

1 IN RE: *

2 PROJECT: MAGNESS EXEMPTION *

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8 A Community Input Meeting was held in the

9 above captioned matter on Tuesday, March 9, 2010,

10 commencing at 6:09 p.m. at the Harford County Office

11 Building, Conference Room, 2nd Floor, 220 South Main

12 Street, Bel Air, Maryland 21014.

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20 Reported by:

21 Sandra A. Judd

1 APPEARANCES:

2 ALBERT J. A. YOUNG, ESQUIRE

3 Brown, Brown & Young

4 200 South Main Street

5 Bel Air, Maryland 21014

6 On behalf of Robert and Sandy Magness

7

8

9 C. DUDLEY CAMPBELL, PRINCIPAL

10 MITCHELL W. ENSOR, PRINCIPAL

11 NAOMI WRIGHT

12 Bay State Land Services

13 P.O. Box 853

14 Bel Air, Maryland 21014

15

16

17 WILLIAM HOLMES, VICE PRESIDENT

18 DAVE SADLER, DIVISION VICE PRESIDENT

19 Toll Brothers

20 7164 Columbia Gateway Drive, Suite 230

21 Columbia, Maryland 21046

1 PROCEEDINGS

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3 MR. YOUNG: Well, good evening. Thank you

4 for being here this evening. My name is Jay Young.

5 I'm a lawyer with Brown, Brown and Young right across

6 the street. We've been here now for 107 years, the

7 firm has, and I've been doing this for about 25 years

8 mostly in the -- in this area of real estate law, land

9 development, and things like that.

10 I want to talk a little bit about what the

11 purpose of this evening is and what the purpose of this

12 evening isn't. The -- this is a Citizen Input Meeting.

13 It is not a Hearing of any kind. There isn't any

14 decision that's going to be made. This is just the

15 opportunity to have you give comments to the property

16 owners and the engineers and the lawyer of things that

17 you would like to suggest that would -- would make

18 improvements to the project.

19 It's our hope that this is a positive and

20 productive meeting. There are things that we can't do

21 anything about. The other thing that's tricky about

1 this is we elected to have this meeting early in the

2 process so that we could get input from you while

3 there's still time to make change and incorporate that

4 input. Consequently, you're going to hear many times

5 people say, we don't know yet. Because this is very,

6 very, very early in the process.

7 Complicating that is fact that the State of

8 Maryland has just promulgated Storm water management

9 regulations which are going to have a substantial

10 impact on development. And until the full brunt of

11 those regulations is known, you can't finalize a plan

12 because you don't know what some of the regulations

13 will be, and they're going to have an impact on the

14 plan.

15 UNIDENTIFIED PARTICIPANT: Excuse me.

16 Will that mean that the -- the building will be held up

17 with any building, uh...

18 (Multiple participants speaking

19 simultaneously.)

20 MR. YOUNG: No, it doesn't necessarily mean

21 a delay except that the engineers have already been

1 delayed, because there's no sense trying to design
 2 something if you don't know what the rules are.
 3 UNIDENTIFIED PARTICIPANT: I mean, I'd just
 4 like to know, too, if --
 5 THE COURT REPORTER: Okay. Excuse me.
 6 MR. YOUNG: Hold on.
 7 THE COURT REPORTER: Excuse me just a
 8 minute.
 9 MR. YOUNG: Hold on. You have to state
 10 your name.
 11 THE COURT REPORTER: Your name, sir? You
 12 have to state your name.
 13 MR. YOUNG: State your name.
 14 UNIDENTIFIED PARTICIPANT: What about the
 15 grandfather clause?
 16 THE COURT REPORTER: Ma'am --
 17 MR. YOUNG: Okay. Let me -- okay.
 18 THE COURT REPORTER: Ma'am, hold on just a
 19 just a moment.
 20 MR. YOUNG: Hold on.
 21 THE COURT REPORTER: Sir --

1 MR. YOUNG: Let me --
 2 RAYMOND PACITTI: Raymond Pacitti.
 3 MR. YOUNG: Let me -- let me finish this --
 4 RAYMOND PACITTI: P-A-C-I-T-T-I.
 5 MR. YOUNG: -- just so we can sort of get
 6 everybody on the same ground rules about who says what
 7 when. And we have a stenographer here that needs to
 8 get all of this down. So if you would when you -- if
 9 you want to make a comment or ask a question, please
 10 stand up and give us your name so that she can get all
 11 of that down. If your name is any trickier than Young,
 12 try to spell it for her. And if you get back up again
 13 later on -- you know how it is when you meet somebody
 14 and five minutes later you can't remember their name,
 15 well, it's even worse when you're in her business, so
 16 if you get up again, please give your name and address
 17 again because, otherwise, she's just not going to be able
 18 to keep up.
 19 The other thing is the old line about the
 20 cell phones, if you have a cell phone on, please turn
 21 it off.

1 And also, please, if you would, try to do
 2 this one at a time and don't talk over other people.
 3 And let's try to be courteous to one another.
 4 As I mentioned, there are things that we
 5 can do something about and things that we can't do
 6 something about. There are also things that are
 7 basically regulated by law. There is some discussion
 8 about school capacity. We have nothing to do with
 9 that. There's a law that says what school capacity is;
 10 there's a law that says when you can build and can't
 11 build; when a school reaches a certain capacity or is
 12 anticipated to reach a certain capacity. So that's not
 13 anything we can do anything about.
 14 Same thing with traffic. There are traffic
 15 impact analyses that are required to be performed by
 16 the developer. They're done by a traffic engineer.
 17 That traffic engineer submits those studies to the
 18 County, and there are Adequate Public Facilities
 19 legislation which says what improvements have to be
 20 made in order for the development to be approved.
 21 Once, again, that is not something we have anything to

1 do with. It's an engineering process. It's a County
 2 approval process. And we have to comply with the law,
 3 whatever that is.
 4 There is similarly with utilities. There
 5 are questions about why the pumping station is located
 6 where it's located. It's been located there for ten
 7 years. It's not something that we have anything to do
 8 with. The County tells us how -- they design the
 9 County-wide utility infrastructure system and then tell
 10 us where that has to be.
 11 I will tell you that part of the reason
 12 that the pumping station has to be constructed is
 13 because there's a failing pumping station now. And I
 14 think that has something to do with the location and
 15 why it has to be in that location because of the
 16 existing station. But if you have a question about
 17 that, somebody with their initials behind their names
 18 is better at it than I would be.
 19 Just to let you who's here -- know who's
 20 here tonight are Bob and Sandy Magness who are right
 21 there, but -- Bob's there. I don't know what happened

1 to Sandy; I think she slipped outside. This is -- Bay
2 State are the engineers for the project. This is
3 Dudley Campbell and Mitch Ensor, and they will give you
4 a statement or give you an introduction of the project
5 and be able to answer questions that you have. We also
6 have representatives from Toll Brothers here this
7 evening.

8 The property, contrary to all the rumors
9 I've heard, is not under contract to anyone. There are
10 discussions ongoing, and the discussions that have
11 advanced the furthest at this point are with Toll
12 Brothers, and they're going to tell you a little bit
13 about who you they are just so you get a little bit of
14 comfort level there.

15 (Hands raised.)

16 MR. YOUNG: Yes, sir.

17 UNIDENTIFIED PARTICIPANT: So, you're --
18 what you're telling us here --

19 THE COURT REPORTER: Excuse me; your name,
20 please?

21 TIMOTHY GOMERINGER: Timothy Gomeringer.

1 G-O-M-E-R-I-N-G-E-R. I reside at 714 West Ring Factory
2 Road.

3 So, what you're telling me is there's no
4 traffic engineer here to discuss the issue of that
5 one-lane bridge down at the end of the road there,
6 right?

7 MR. YOUNG: No. The traffic -- what has to
8 happen -- again, this is -- these are dominoes. When
9 the -- when the final design is in place and the number
10 of units and where they're going to be and what types
11 of units they are is determined, then a traffic impact
12 analysis has to be done by a traffic engineer, and
13 that's not something that anybody can impact. We can't
14 make it better or worse than it is. It's a science,
15 and there are laws that say when an intersection fails,
16 when a road fails, and there are -- there are -- it is
17 a -- it is a science to determine what improvements
18 need to be made in order for that to operate at an
19 acceptable level of service.

20 TIMOTHY GOMERINGER: Okay.

21 MR. YOUNG: There's a law called an

1 Adequate Public Facilities. Anytime you develop
2 something and you impact an intersection you are
3 required to mitigate your impact, so if as a result of
4 this development the number of trips that hit an
5 intersection are such that somebody is going to sit too
6 long at the light or there's going to be a dangerous
7 turning movement, then there are designs done by
8 engineers to say how to fix that.

9 TIMOTHY GOMERINGER: Okay.

10 MR. YOUNG: And roads have to be widened or
11 things have to be done, but that -- that's not
12 something that is a -- it's not our prerogative.
13 It's -- it's -- we are required by the County to hire
14 and pay for a traffic engineer to do that. That
15 traffic engineer submits its results to the County's
16 traffic engineers. They will design what intersections
17 we have to study. If that bridge is impacted by -- by
18 this development, then we're going to have to study it.

19 TIMOTHY GOMERINGER: Okay. Well, my
20 question is to that, beings that's the way you want to
21 explain it, point blank: This looks like a done deal

1 to me, you know. With these meetings that have been
2 going on for two years, when do you think you might
3 think about hiring an engineer to take a look at that?

4 MR. YOUNG: As soon as -- again, it's -- as
5 soon as the project is stabilized, which it couldn't
6 have been yet because of the stormwater management
7 regulations, so that all has to happen. The dominoes
8 have to fall and then you know -- we don't know exactly
9 how many units of what kind are going to be where, and
10 yet you have to have that in order to do the traffic
11 impact analysis.

12 TIMOTHY GOMERINGER: That -- that's
13 really -- I mean, I got a sheet from my neighbor the
14 last time that said -- told exactly how many houses
15 they planned on putting in there.

16 MR. YOUNG: And they -- I bet they told you
17 who was buying it, too. Neither of those are correct.

18 TIMOTHY GOMERINGER: Okay.

19 MR. YOUNG: And I have -- I have to be
20 candid with you. There's a lot of misinformation, and
21 there always is. It's the nature of the beast, which

1 is why we have meetings like this. But it's not any --
 2 nobody's playing any games. It's a process, and we're
 3 just early in the process --
 4 (Laughter.)
 5 (Multiple participants speaking
 6 simultaneously.)
 7 TIMOTHY GOMERINGER: Everybody's --
 8 MR. YOUNG: And everybody's got to --
 9 TIMOTHY GOMERINGER: I understand, yeah.
 10 MR. YOUNG: The only thing -- I think it's
 11 important to recognize is when you say it's a done
 12 deal, that's correct. This property is zoned. It's a
 13 principal permitted use. We're not asking for any
 14 variances. We're not asking for any special
 15 exceptions. All of the -- the development will comply
 16 with existing regulations and there won't be any
 17 variances requested from those regulations. So it's --
 18 it is not a Hearing as to whether or not it's going to
 19 happen. It's how it's going to happen, and it's in
 20 accordance with the regulations. And the purpose of us
 21 being here tonight is -- is to ask for your input, as

1 well.
 2 TIMOTHY GOMERINGER: Okay.
 3 UNIDENTIFIED PARTICIPANT: Just a quick
 4 question on, uh --
 5 THE COURT REPORTER: Ma'am, if you could
 6 stand up so I --
 7 UNIDENTIFIED PARTICIPANT: Who do you
 8 represent?
 9 THE COURT REPORTER: Ma'am, can you please
 10 stand up?
 11 UNIDENTIFIED PARTICIPANT: Oh.
 12 MR. YOUNG: Your name?
 13 BARBARA ELROY: Barbara Elroy. I'm at 519
 14 West Ring Factory. And I was just curious, who do you
 15 represent --
 16 MR. YOUNG: The Magnesses.
 17 BARBARA ELROY: -- so that we all know.
 18 MR. YOUNG: The Magnesses.
 19 BARBARA ELROY: Okay.
 20 MR. YOUNG: I'm sorry if I didn't --
 21 UNIDENTIFIED PARTICIPANT: And your title?

1 MR. YOUNG: -- say that before.
 2 UNIDENTIFIED PARTICIPANT: You're their
 3 attorney?
 4 THE COURT REPORTER: Ma'am, you have to say
 5 your name.
 6 LISA KLIEST: Yeah. My name is Lisa
 7 Kliest. I'm at 712 West Ring Factory Road. I have a
 8 couple questions.
 9 THE COURT REPORTER: If you could stand up,
 10 please.
 11 LISA KLIEST: I can't stand.
 12 THE COURT REPORTER: Okay. Just speak
 13 loudly, okay?
 14 LISA KLIEST: Yeah. I -- I've got big
 15 pipes.
 16 THE COURT REPORTER: Okay.
 17 LISA KLIEST: I've got several questions
 18 based on what you've just said. Tell me again what
 19 triggers the traffic study. What's the trigger that
 20 makes it happen?
 21 MR. YOUNG: Every development has a --

1 LISA KLIEST: At what point in the process?
 2 MR. YOUNG: Once the --
 3 MR. ENSOR: Do you want me to take it?
 4 MR. YOUNG: Yeah. Go ahead.
 5 MR. ENSOR: Once -- once a subdivision
 6 exceeds 249 trips then it's required to do a traffic
 7 study.
 8 LISA KLIEST: 249 trips?
 9 MR. ENSOR: Trips per day.
 10 LISA KLIEST: Okay. So --
 11 MR. ENSOR: 249 trips per day. And --
 12 LISA KLIEST: And the factor for that is
 13 ten trips per car per day, correct?
 14 MR. ENSOR: No. That is incorrect.
 15 UNIDENTIFIED PARTICIPANT: Does he mean --
 16 are you --
 17 MR. ENSOR: There are --
 18 UNIDENTIFIED PARTICIPANT: May I have your
 19 name?
 20 MR. ENSOR: Mitch Ensor with Bay State Land
 21 Services.

1 UNIDENTIFIED PARTICIPANT: Thank you.
 2 MR. ENSOR: Jay introduced me earlier.
 3 THE COURT REPORTER: Okay. Ma'am, and your
 4 name is...
 5 UNIDENTIFIED PARTICIPANT: Oh.
 6 THE COURT REPORTER: I have to put your
 7 name on the record.
 8 SALLY LABARR: Sally LaBarr.
 9 THE COURT REPORTER: Thank you.
 10 SALLY LABARR: I've got it. I just needed
 11 to know the people.
 12 MR. ENSOR: Sure. The trips per day are --
 13 are prepared by an equation.
 14 LISA KLIEST: Okay.
 15 MR. ENSOR: That equation is a formula that
 16 the traffic engineer uses based on the housing types
 17 proposed, based on the number of lots proposed, and
 18 that determines whether you exceed 249 trips.
 19 LISA KLIEST: Right. And my research has
 20 shown that the average for a single-family home is two
 21 cars per home. And if there's 300 homes on this

1 proposal here, that's 600 cars in the whole thing. And
 2 then ten trips per day is what I thought was used as
 3 the -- the factor in that. That's what I was told.
 4 MR. ENSOR: That's a very generalized
 5 concept of traffic. The -- it is an equation. It's a
 6 mathematical equation involving --
 7 LISA KLIEST: Would you be able to e-mail
 8 me --
 9 THE COURT REPORTER: Ma'am --
 10 LISA KLIEST: -- that equation?
 11 THE COURT REPORTER: Ma'am, if you could
 12 just let him finish. It only --
 13 LISA KLIEST: Oh.
 14 THE COURT REPORTER: The machine takes one
 15 person at a time.
 16 LISA KLIEST: I am so sorry.
 17 THE COURT REPORTER: Okay. Yeah, it just
 18 takes one person at a time, just so everybody --
 19 MR. ENSOR: Lot type --
 20 THE COURT REPORTER: Okay. Go ahead, Mr.
 21 Ensor.

1 MR. ENSOR: -- and lot totals and
 2 distribution of those trips how those people are
 3 anticipated to fan out are all a product of the traffic
 4 study. The traffic study has to be submitted with your
 5 preliminary plan.
 6 LISA KLIEST: Which is this (pointing)?
 7 MR. ENSOR: No. We are way, way, way
 8 before --
 9 LISA KLIEST: Okay.
 10 MR. ENSOR: -- the preliminary plan stage.
 11 LISA KLIEST: So the trigger would be with
 12 the preliminary plan?
 13 MR. ENSOR: Yes.
 14 LISA KLIEST: Okay.
 15 MR. YOUNG: And also if things change after
 16 that, you have to do another traffic study.
 17 LISA KLIEST: Okay. Are you aware that the
 18 bridge that was mentioned earlier is not considered an
 19 intersection? It has not been in previous traffic
 20 studies --
 21 MR. YOUNG: Once again, it's --

1 LISA KLIEST: -- because it's not an
 2 intersection; it's actually just a continuous road.
 3 MR. ENSOR: Well --
 4 MR. YOUNG: Once again, that--
 5 MR. ENSOR: -- you have to --
 6 MR. YOUNG: -- that's not something we have
 7 any control over. We --
 8 LISA KLIEST: Okay.
 9 MR. YOUNG: We --
 10 LISA KLIEST: But our concern, of course,
 11 that -- if it's not an -- and I'm so sorry for
 12 interrupting. If it's not an intersection and there is
 13 only one way in and one way out and that side's not
 14 studied, then we're only getting half of the story.
 15 And then because of loopholes it's getting through the
 16 system that way. It's sort of not fair.
 17 MR. CAMPBELL: Dudley Campbell, Bay State
 18 Land Services engineer.
 19 I would love -- it's completely out of our
 20 hands. Our traffic area -- our traffic engineer does a
 21 study, turns it over to the County, and they make the

1 recommendations.

2 LISA KLIEST: Okay.

3 MR. CAMPBELL: So it's not like our traffic
4 engineer will come in and say, well, you've got to do
5 A, B, and C. It is reviewed by the County and then the
6 County dictates what improvements are made.

7 LISA KLIEST: Okay.

8 MR. CAMPBELL: All the improvements that
9 are made from the road will be developer funded in
10 accordance with A.P.F. So if the bridge -- if the
11 County elects -- if the County -- the Department of
12 Public Works elects to look at the bridge, which I
13 believe they have and they will, the intersections,
14 they will give our traffic engineer the criteria, so
15 all we do is do -- we do the manual work of going out
16 and counting the cars.

17 LISA KLIEST: Sure.

18 MR. CAMPBELL: They can verify it, and then
19 they get -- take the empirical results and then give us
20 the conclusions.

21 LISA KLIEST: It's also a historical

1 bridge, so it can't be changed. So it would have to be
2 to be a work-around.

3 MR. CAMPBELL: Here again, it's not --

4 LISA KLIEST: Yeah.

5 MR. CAMPBELL: That's not --

6 LISA KLIEST: So that's -- so then who is
7 accountable?

8 MR. CAMPBELL: The County.

9 LISA KLIEST: The County? Would that be
10 our Councilman or Planning and Zoning?

11 MR. CAMPBELL: I'll --

12 LISA KLIEST: Which --

13 MR. CAMPBELL: I'll let you find that out.

14 LISA KLIEST: Okay.

15 MR. YOUNG: The --

16 LISA KLIEST: Okay.

17 MR. YOUNG: There's a historical planner
18 for the bridge. There's traffic engineers for the
19 traffic counts. There's -- there's people in each
20 division that deal with all aspects of what you're
21 talking about.

1 LISA KLIEST: You also had mentioned
2 earlier that there -- there's not going to be any
3 variances with this at all --

4 MR. YOUNG: Correct.

5 LISA KLIEST: -- but yet there's going to
6 be a fee in lieu of the open space required by the --
7 the rules. Can you speak on that?

8 MR. YOUNG: Right. That's not -- that's
9 not a variance from the rules; that's a compliance with
10 the rules. There are choices. You can try to do
11 active open space on the property, which means you have
12 soccer fields there or --

13 LISA KLIEST: Or a walking trail.

14 MR. YOUNG: No, no. That's not active open
15 space.

16 LISA KLIEST: No?

17 MR. YOUNG: That's passive, I think. And
18 so active open space, the County prefers as to the
19 active open space that you pay a fee in lieu of
20 constructing an improvement on the property so that
21 they can construct a larger improvement like a soccer

1 complex that has ten fields and has lights and has
2 parking and has the kind of things that kids who live
3 in this development can go there --

4 LISA KLIEST: Um-hum.

5 MR. YOUNG: -- and play soccer rather than
6 have -- each development have a soccer field in the
7 development. So once again, it's something that the
8 County suggests in the development of their overall
9 plan for recreation for the County that in this
10 development a fee in lieu of a part of that, a part
11 will be provided on site and part will be paid through
12 a fee to the County in lieu of building the facility
13 because the County thinks that it's better to do it
14 that way.

15 LISA KLIEST: Or you could have a couple
16 less houses.

17 MR. YOUNG: Well, I'll let some others
18 speak here.

19 (Hands raised.)

20 MR. YOUNG: Yes, ma'am.

21 BARBARA ELROY: Barbara Elroy at 519 West

1 Ring Factory again.
 2 So I'm trying to understand. Our property
 3 is right on Ring Factory Road with all of the -- two
 4 extra roads coming out onto Ring Factory Road where
 5 this is proposed. Are you telling me that by the time
 6 the County decides that they're going to take part of
 7 my lawn and the trees it's too late; it's a done deal?
 8 MR. YOUNG: My --
 9 LISA KLIEST: I --
 10 MR. YOUNG: My guess is, and I don't know
 11 what the specific answer to the improvement they're
 12 going to require is, but not to be -- the improvement,
 13 if there's no right of way on your property, they're
 14 going to make the widening on the Magness property, not
 15 on your property.
 16 LISA KLIEST: Um, it is not on there. No.
 17 (Multiple participants speaking
 18 simultaneously.)
 19 MR. YOUNG: Well, a traffic study hasn't
 20 been done yet and they haven't told us whether the road
 21 has to be widened or not.

1 BARBARA ELROY: I mean, because that's
 2 houses on both sides, and all have improvements and
 3 lawns and things on both sides of the road there. And
 4 traffic people had better some have great big orange
 5 things because the traffic's bad there already anyway.
 6 UNIDENTIFIED PARTICIPANT: I have one
 7 comment about the bridge.
 8 MR. YOUNG: Will you state your name,
 9 please?
 10 SALLY LABARR: Sally LaBarr.
 11 I do have some information that might be
 12 helpful about the bridge, and you might -- I don't know
 13 how much you deal with historic things or whatever.
 14 The -- that is an old Victorian bridge. It -- the
 15 structure of it -- well, it's protected under County,
 16 State, and Federal protections from a historic
 17 organization standpoint. No County, State, or Federal
 18 funds may be used to alter, change the structure, the
 19 character of that bridge. Now, so the only way that a
 20 developer could is if the County Council votes to allow
 21 that.

1 UNIDENTIFIED PARTICIPANT: Well, that --
 2 SALLY LABARR: Okay?
 3 UNIDENTIFIED PARTICIPANT: -- bridge down
 4 there --
 5 SALLY LABARR: I'm -- I'm saying that
 6 that's why it's really important to have the Council --
 7 now, on the other hand, maybe a developer can
 8 completely bypass the bridge, pay for it themselves,
 9 and as long as they can get easements on other
 10 properties just build it upstream from there. But
 11 no -- no public monies can be used to alter that
 12 bridge. I just thought that would be --
 13 MR. YOUNG: Thank you.
 14 SALLY LABARR: -- helpful for what --
 15 UNIDENTIFIED PARTICIPANT: I've then got a
 16 question for you then. It --
 17 THE COURT REPORTER: Sir, your name again?
 18 TIMOTHY GOMERINGER: Tim Gomeringer.
 19 And you're saying that's historic. That's
 20 -- the Army Corps of Engineers dropped deck on that
 21 thing. Now, how has it become historic?

1 SALLY LABARR: Probably the maintenance --
 2 (Multiple participants speaking
 3 simultaneously.)
 4 TIMOTHY GOMERINGER: Obviously, Agnes
 5 washed it out years ago.
 6 SALLY LABARR: I'm saying the maintenance
 7 is -- is up to them, but that's what it's on.
 8 ELIZABETH HICKS: I'm Elizabeth Hicks. I
 9 own half of that bridge. I've lived up here for
 10 50-some years. The bridge was built in the late 1800s,
 11 and the County in about 1990 --
 12 UNIDENTIFIED PARTICIPANT: Can you face her
 13 when you're talking?
 14 THE COURT REPORTER: Thank you.
 15 ELIZABETH HICKS: Oh, sorry.
 16 The County got upset about the abutments
 17 and they all of a sudden closed it and they decided
 18 that the abutment on one side was washing out, so they
 19 lifted the bridge off, put it on the side of the road
 20 and then they repaired the abutment. Then they decided
 21 that the -- it was silly to not do both sides while you

1 had the bridge off, so they did the other sides. Then
 2 when they were ready to put it back they discovered
 3 that they could not get insurance on the old bridge, so
 4 they had an exact replica made of the bridge. So it's
 5 a new bridge and it was built for a hundred years and
 6 it was put in about -- well, I don't know.
 7 UNIDENTIFIED PARTICIPANT: In the late '80s
 8 or --
 9 ELIZABETH HICKS: About late '80s or '90.
 10 I'd have to check, but --
 11 MR. YOUNG: The bridge --
 12 (Multiple participants speaking
 13 simultaneously.)
 14 UNIDENTIFIED PARTICIPANT: Is it still
 15 protected on the National Historic --
 16 UNIDENTIFIED PARTICIPANT: Yes.
 17 ELIZABETH HICKS: And it's on the Historic
 18 Register.
 19 UNIDENTIFIED PARTICIPANT: Um-hum.
 20 ELIZABETH HICKS: The -- my house, the
 21 Miller's house, and Dr. Lynch's house.

1 UNIDENTIFIED PARTICIPANT: Okay.
 2 ELIZABETH HICKS: All four of them.
 3 UNIDENTIFIED PARTICIPANT: Um-hum.
 4 LISA KLIEST: But -- again, Lisa Kliest,
 5 712 Ring Factory, it's not considered an intersection,
 6 so that means it's going to fly right through the
 7 requirement by the County and then we've got all these
 8 problems, and there's problem with the road which is
 9 already not so great and -- and it's -- and it's happy
 10 for you.
 11 (Hands raised.)
 12 MR. YOUNG: Yes, ma'am?
 13 ANN MORSE: Ann Morse. 600 West Ring
 14 Factory Road.
 15 THE COURT REPORTER: Would you be able to
 16 -- are you able to stand?
 17 ANN MORSE: Yeah.
 18 THE COURT REPORTER: Thank you. It just --
 19 ANN MORSE: I didn't hear what you're
 20 saying. I can't hear anything back here.
 21 MR. YOUNG: Sorry.

1 ANN MORSE: I mean, you are all talking up
 2 there and it's like, blah, blah, blah.
 3 (Laughter.)
 4 MR. CAMPBELL: I like the way she said
 5 that.
 6 (Multiple participants speaking
 7 simultaneously.)
 8 MR. YOUNG: Ask us to speak louder.
 9 MR. CAMPBELL: We need more Dudleys here.
 10 MR. YOUNG: Any other questions, or should
 11 we have the folks from Toll maybe tell you a little bit
 12 about them?
 13 LISA KLIEST: Sure.
 14 (Hands raised.)
 15 MR. YOUNG: Yes, sir?
 16 CHRIS ROWSOM: Chris Rowsom, 606 West Ring
 17 Factory.
 18 What's the -- what was the end result of
 19 this zoning status? I mean, what is -- what is the
 20 zoning right now for the properties?
 21 MR. CAMPBELL: The north side --

1 CHRIS ROWSOM: The --
 2 MR. CAMPBELL: The north side of the
 3 Magness property which was on this (pointing) picture
 4 here, on this exhibit here, north is going up the page,
 5 so -- with this being here, Ring Factory Road. The
 6 north side of the property was zoned R2. The south
 7 side of the property was zoned R1.
 8 MR. YOUNG: What's the other -- all the
 9 density of --
 10 MR. CAMPBELL: Okay. The proposed density
 11 at this time is for 300 dwelling units. If you take
 12 the County's manual and apply their -- how -- what we
 13 are allowed to put there using the zoning it would be
 14 409 units, dwelling units.
 15 (Multiple participants speaking
 16 simultaneously.)
 17 (Hands raised.)
 18 MR. YOUNG: Yes, sir.
 19 GLENN HASLBECK: Glenn Haslbeck, 632
 20 Camelot Drive.
 21 The picture we have here -- now,

1 Mr. Magness's sister owned the 20 acres right along --
 2 in the back of Camelot, is that on that?
 3 UNIDENTIFIED PARTICIPANT: No.
 4 GLENN HASLBECK: Or is that just
 5 Mr. Magness's property?
 6 MR. YOUNG: No. This is just Robert
 7 Magness's property.
 8 GLENN HASLBECK: Okay. There's another 80
 9 homes going in between what you're seeing there at
 10 Camelot that the --
 11 UNIDENTIFIED PARTICIPANT: There's another
 12 45 on the other side by the --
 13 THE COURT REPORTER: I'm sorry; I can't see
 14 who's speaking.
 15 MR. CAMPBELL: You have to speak up,
 16 please.
 17 THE COURT REPORTER: You have to stand up
 18 and say your name.
 19 UNIDENTIFIED PARTICIPANT: Plus 45 other
 20 homes that are going in on the --
 21 UNIDENTIFIED PARTICIPANT: Richardson's

1 Legacy.
 2 UNIDENTIFIED PARTICIPANT: -- Richardson's
 3 Legacy on the other side over here --
 4 MR. CAMPBELL: Your name, please?
 5 UNIDENTIFIED PARTICIPANT: -- on the side?
 6 Pardon me?
 7 MR. CAMPBELL: Your name?
 8 BARBARA ELROY: Barbara Elroy. 519 again.
 9 MR. CAMPBELL: Thank you.
 10 MR. YOUNG: Before we go back to the same
 11 people, anybody else have questions?
 12 (Hands raised.)
 13 MR. YOUNG: Yes, sir.
 14 GEORGE SCHREINER: George Schreiner, and
 15 it's 603 West Ring Factory Road.
 16 Really quick, just to address the group,
 17 you guys probably thought I'm going to say something
 18 bad about you, but it's nothing personal. This really
 19 seems like a -- like a pass-the-buck meeting because we
 20 have some issues which every time we bring them up it's
 21 getting passed off on to the County, so -- and I

1 understand where you're coming from, but for everybody
 2 else in here we need to set up a meeting with our
 3 Council person.
 4 So at the end of this I'd like to get
 5 everybody's e-mails and we'll set it up, because I've
 6 talked to the Bay Foundation, the Chesapeake Bay
 7 Foundation, and I have some serious points which if I
 8 bring up now we're just going to get told to talk to
 9 the County. So I'd like to just address all of our
 10 issues with the Councilman because that's what we need
 11 to. I think that's what we need to do. So if you're
 12 up for that, I'll get your e-mails --
 13 MR. YOUNG: Well --
 14 GEORGE SCHREINER: -- at the end of --
 15 MR. YOUNG: -- I'll tell you what. We'll
 16 give you a copy of the sign-in sheet with the e-mail
 17 addresses and --
 18 GEORGE SCHREINER: That would be awesome.
 19 I appreciate it.
 20 (Multiple participants speaking
 21 simultaneously.)

1 MR. CAMPBELL: Okay. Well, we'll give you
 2 a copy of the addresses and then people can fill in
 3 their e-mail, or whatever -- however you want to handle
 4 it.
 5 UNIDENTIFIED PARTICIPANT: What --
 6 MR. CAMPBELL: Anything we can do to help
 7 you.
 8 GEORGE SCHREINER: As long as I get the
 9 e-mails, that's all I need.
 10 MR. CAMPBELL: Okay, great.
 11 SALLY LABARR: Sally LaBarr.
 12 One thing. Our County Council person,
 13 representative, is on the Board of Appeals for zoning
 14 issues. So they cannot -- they are prohibited from
 15 listening to constituents, which is what I've
 16 understood from --
 17 UNIDENTIFIED PARTICIPANT: That's correct.
 18 (Laughter.)
 19 SALLY LABARR: So the people you want to
 20 talk with are Planning and Zoning.
 21 GEORGE SCHREINER: Okay.

1 SALLY LABARR: And D.P.W. and any of the
2 State Highway people and any of those other Department
3 of Health --
4 UNIDENTIFIED PARTICIPANT: E.P.A.
5 SALLY LABARR: E.P.A. There you go.
6 MR. YOUNG: Just to clarify once again the
7 misinformation, your County Council person -- this --
8 this is not a Board of Appeals case. This is not a
9 zoning case.
10 SALLY LABARR: Not yet.
11 MR. YOUNG: There is -- this is not and
12 will not be a zoning case. It's a principal permitted
13 use, so that's not correct that you can't talk to your
14 Council person. That is only when your Council person
15 is serving as a -- in a judicial capacity of a zoning
16 case. This is not a zoning case, so you can talk to
17 your Council person and feel free to do so.
18 GEORGE SCHREINER: Another question. Now,
19 back to the environmental, are -- are your plans for
20 this property to get this done so that it complies to
21 the old or the new stormwater management rules?

1 MR. CAMPBELL: The law --
2 TERESA SCHREINER: But --
3 MR. CAMPBELL: The was passed and we know
4 what we have to do, but we do not know the mechanisms
5 that they want us to do it with.
6 TERESA SCHREINER: Okay. Thanks.
7 MR. YOUNG: They --
8 MR. CAMPBELL: They --
9 MR. YOUNG: They literally just -- there
10 was a legislative caucus last week that the Maryland
11 Municipal League negotiated changes that literally just
12 happened -- I think an e-mail came out yesterday.
13 TERESA SCHREINER: Yeah.
14 MR. CAMPBELL: But it --
15 TERESA SCHREINER: I just -- my
16 understanding was --
17 MR. CAMPBELL: -- it wouldn't affect this.
18 TERESA SCHREINER: -- it was already -- it
19 was in place but they had let it go for two yeas. I
20 was just clarifying. Thank you.
21 (Hands raised.)

1 MR. CAMPBELL: It'll be the new
2 regulations, sir.
3 GEORGE SCHREINER: Okay.
4 (Hands raised.)
5 MR. YOUNG: Yes, ma'am.
6 TERESA SCHREINER: Teresa Schreiner.
7 It is my understanding that those rules
8 have actually been in place, they just have been, you
9 know, kind of pushed aside for a couple of years, you
10 know. Is that not the case?
11 MR. CAMPBELL: Are you --
12 TERESA SCHREINER: That -- that you
13 probably already know what they're going to be, but
14 they finally said, no, they're going to be in place on
15 May -- May 2010, but that they -- you -- the law passed
16 like two years ago?
17 MR. CAMPBELL: The --
18 TERESA SCHREINER: It's --
19 MR. CAMPBELL: -- law passed --
20 TERESA SCHREINER: If you know what they
21 are --

1 MR. YOUNG: Yes, ma'am.
2 SHIRLEY ELDRINGHOFF: Shirley Eldringhoff,
3 E-L-D-R-I-N-G-H-O-F-F. I live at 521 West Ring
4 Factory.
5 My question is you've got roads coming from
6 each side --
7 MR. YOUNG: Um-hum.
8 SHIRLEY ELDRINGHOFF: -- is it possible to
9 have those roads right across from each other so that
10 there can be a crossroads and maybe a four-way stop,
11 which would certainly help the speed of traffic that
12 goes up and down Ring Factory Road?
13 MR. CAMPBELL: Yes. Well, to do -- to do
14 that -- we don't own that particular parcel at the time
15 to get the roads lined up that way. Now, this roadway
16 that you see here has been presented to the Department
17 of Public Works and they have -- this plan does
18 incorporate all the comments that the Department of
19 Public Works wants for the roadway. So that is one
20 suggestion that I can take back to the Department of
21 Public Works and see if they agree with that.

1 (Multiple participants speaking
2 simultaneously.)
3 SHIRLEY ELDRINGHOFF: You know, sometimes I
4 -- I wait five minutes, depending on the time of day,
5 to get the -- to get out of my driveway, not to get in,
6 but to get out. But again, and the speed of -- of
7 people going up and down Ring Factory anybody here who
8 lives here can attest to that. But it would be really
9 great if they did come across and form a cross road and
10 have a four-way stop. That would -- that would help
11 all of us.
12 UNIDENTIFIED PARTICIPANT: That's the --
13 it's way up the --
14 MR. CAMPBELL: It's --
15 SHIRLEY ELDRINGHOFF: Okay. Thank you.
16 (Hands raised.)
17 MR. YOUNG: Yes, sir.
18 GEORGE SCHREINER: I'll ask this question
19 -- George Schreiner. This question will be for Dudley.
20 It looks like on that print that the -- the
21 entranceways coming into the community, they are 50

1 feet wide on Ring Factory Road, and Ring Factory is
2 about 20 foot wide as it is now, so knowing the science
3 of what you guys do, do you perceive the County coming
4 back and saying, we need to widen Ring Factory Road?
5 UNIDENTIFIED PARTICIPANT: Yeah.
6 MR. CAMPBELL: I can see the County coming
7 back and saying maybe that we need that to be done. It
8 is going to make more -- this is definitely going to
9 make more traffic. When you see the 50 foot on the
10 roadway, that's the County right of way. The paving
11 hasn't been determined yet by the County what -- what
12 the paving is, so you'll have the paving and then
13 you'll have the County right of way that -- with -- its
14 in.
15 So traditionally on a road such as Ring
16 Factory the County will take a prescriptive easement.
17 And I'm going to say traditionally. It is up to the
18 County -- we do not have the final say -- that from
19 center line to ditch to center line to ditch is what
20 the County maintains, and that's the area where we
21 could widen it. Now, obviously, for people who do not

1 have right of way on that road, the County has no right
2 of way, then either the County's going to have to enter
3 into negotiations if there should be a need for any
4 future road improvements.
5 But here again, I'm not ducking your
6 question. The best thing to do is -- is again, get in
7 touch with your Council person who then can put you in
8 contact with the Department of Public Works.
9 GEORGE SCHREINER: Okay.
10 MR. YOUNG: Anybody else before we --
11 LISA KLIEST: No. Lisa Kliest. I want to
12 follow up on your question. 712 West Ring Factory
13 Road.
14 That doesn't mean that you have to make the
15 improvements to the road, only if the -- it's the
16 County that would make improvements to the road.
17 MR. CAMPBELL: No. We as the developer,
18 whoever the developer might be, has to make the
19 improvements to the County road. They are not County
20 funded and they are not done with County crews.
21 LISA KLIEST: Okay.

1 MR. CAMPBELL: The plans -- we would
2 prepare the construction plans in accordance with how
3 the County wants it designed and then the developer
4 would then improve the road.
5 LISA KLIEST: Is that done before or after
6 construction begins?
7 MR. CAMPBELL: That would have to be done
8 before because all of the items on here that are
9 requirements of the Adequate Public Facilities must be
10 bonded prior to any type of grading on site.
11 LISA KLIEST: Okay.
12 (Hands raised.)
13 MR. YOUNG: Yes, sir.
14 LEE MAGNESS: Lee Magness. 1201 --
15 THE COURT REPORTER: Would you be able to
16 stand up so I can --
17 LEE MAGNESS: (Complies.)
18 THE COURT REPORTER: Thank you.
19 LEE MAGNESS: 1201 Whitaker Mill Road.
20 My property abuts the 70-acre parcel. I
21 mean, I'm wondering what the feedback mechanism here

1 is. We're talking about the traffic. If the County
2 says you have to improve the road and -- because of the
3 historic bridge you can't improve the road, does --
4 does the feedback then become, well, you can't build
5 that many houses? I mean, the -- will they reject your
6 -- your plan for 300 houses? I mean, like you don't
7 seem to be saying that is an option that you're going
8 to have to improve the road, you have to accept the 300
9 houses.

10 Seems like there ought to be a feedback
11 loop is when the traffic study is presented they say,
12 you can't have this number of cars on this road because
13 this road cannot be improved, then you have to reduce
14 the number of houses.

15 MR. YOUNG: The -- we have to comply with
16 whatever the Adequate Public Facilities law says we
17 have to do. And that's why it -- I sense your
18 frustration, but it's not up to us --

19 UNIDENTIFIED PARTICIPANT: Louder.

20 MR. YOUNG: Sorry.

21 It's not up to us to determine. We can't

1 say we're going to do this or we're not going to do
2 that. It's a science. We're -- we are required to
3 employ the engineers to give the study to be reviewed
4 by the County, and then they tell us what -- what has
5 to be done. And if we can't comply with the law, we
6 can't build the project.

7 (Hands raised.)

8 MR. YOUNG: Let's let this gentleman --

9 TYSON GISCHEL: Tyson Gischel, 408 Viola
10 Court.

11 So it kind of seems to me everybody seems
12 to have the chicken before the egg and follow up with
13 that and it goes back to the school. So if they say,
14 well, you know, based on this amount of homes, it's too
15 -- you know, it's going to be too many kids, and we
16 don't -- I mean, we have, you know, portables at the
17 schools as it is, the elementary school and so forth.
18 So then would that take it back, as well, and say,
19 okay --

20 MR. YOUNG: Right.

21 TYSON GISCHEL: You know, so the whole --

1 so, what you said at the very beginning, this is zoned
2 as is, so there's no exceptions that you have to do.

3 I know I went to a meeting a couple years
4 ago about another piece of property there. Have these
5 been zoned differently since then?

6 UNIDENTIFIED PARTICIPANT: Yes.

7 MR. YOUNG: Yes.

8 TYSON GISCHEL: So they -- they've changed.

9 MR. YOUNG: Right.

10 TYSON GISCHEL: So that went through the
11 process --

12 MR. YOUNG: Right.

13 TYSON GISCHEL: -- and they obviously
14 accepted that they wanted more homes there. Okay.
15 But, you know, I guess I'm just trying to understand.

16 MR. YOUNG: Understand, though, that they
17 -- that the Adequate Public Facilities, be it for
18 roads, utilities, or schools, all still has to be
19 complied with. So, for example, there's a school
20 district in Fallston that's been closed for seven years
21 now, and I have clients with five or six projects that

1 can't be developed.

2 TYSON GISCHEL: But I guess -- Tyson
3 Gischel. I guess -- wouldn't they know that a -- you
4 know, they -- you want to develop this property, okay,
5 well, you can only put so many homes of the existing
6 roads? Because I mean, it's -- wouldn't they do that
7 first before you go through all this work and had your
8 wish list of homes, the number of, you know --

9 MR. YOUNG: Yes, ideally. And -- and what
10 happens is -- and it's -- it's the developer's risk if
11 they think things are going well and that there isn't
12 going to be a school capacity -- and there's all kinds
13 of arguments about how you calculate that -- then they
14 took the risk and they lost. And if they -- your
15 capacity number went up and they can't get a building
16 permit, that's --

17 UNIDENTIFIED PARTICIPANT: I don't think
18 you --

19 MR. YOUNG: -- that's what happens.

20 Anybody else other than the same people?

21 UNIDENTIFIED PARTICIPANT: I just --

1 MR. YOUNG: I mean, that -- that's okay. I
 2 just don't want to --
 3 (Hands raised.)
 4 MR. YOUNG: Yes, ma'am.
 5 UNIDENTIFIED PARTICIPANT: I have one more.
 6 Is that the --
 7 THE COURT REPORTER: Ma'am, can you say
 8 your name again?
 9 SHIRLEY ELDRINGHOFF: I'm sorry. Shirley
 10 Eldringhoff.
 11 THE COURT REPORTER: Thank you.
 12 SHIRLEY ELDRINGHOFF: Do you want me to
 13 spell it?
 14 THE COURT REPORTER: That's okay. I've got
 15 it.
 16 SHIRLEY ELDRINGHOFF: Is that plan that
 17 we're looking at tonight, is that Toll Brothers plan
 18 going to happen? Can that plan change?
 19 MR. YOUNG: Yes, it can, which is the
 20 purpose for the meeting tonight. And it's not Toll
 21 Brothers' plan; it's the Magnesses' plan. And there

1 will be a lot of changes that are going to have to
 2 happen as a result of the development process and also
 3 as a result of the stormwater management. But we -- we
 4 think that this is getting close to what it's going to
 5 look like and then we'll move through the process, and
 6 as approvals are given or not given or we're told to
 7 make certain improvements, as Dudley Campbell
 8 mentioned, the road network was run past the -- the
 9 County just to get a -- anything here look horrible,
 10 anything that you're going to yell at us later on
 11 because we might as well know now, that kind of dialog
 12 goes on as the process goes through.
 13 But as you get more refined, more things
 14 like the exact unit type which generates, as the lady
 15 pointed out -- you know, trip generation is different
 16 in a single-family than it is in a town house. So
 17 that's when those things start -- start to get
 18 specific. And you can actually get the -- get the
 19 traffic study done. But understand that all of this
 20 has to be -- it's not like you can get a traffic study
 21 for one plan and then switch it to another plan; you

1 have to have another traffic study done.
 2 So that's why you go through this gently
 3 because you don't want do it again and you don't want
 4 your project to be shut down because the school's in a
 5 moratorium.
 6 UNIDENTIFIED PARTICIPANT: Some of us
 7 might.
 8 (Laughter.)
 9 (Multiple participants speaking
 10 simultaneously.)
 11 SHIRLEY ELDRINGHOFF: So that plan there is
 12 not Mr. Toll Brothers' plan?
 13 MR. YOUNG: No.
 14 SHIRLEY ELDRINGHOFF: Thank you.
 15 MR. YOUNG: Why don't we let Mr. Toll
 16 Brothers --
 17 UNIDENTIFIED PARTICIPANT: When I --
 18 MR. YOUNG: -- say hello and tell you a
 19 little bit about that.
 20 (Multiple participants speaking
 21 simultaneously.)

1 LISA KLIEST: Can I ask a question
 2 before --
 3 MR. YOUNG: Hold on. Let --
 4 LISA KLIEST: One question.
 5 MR. YOUNG: She (indicating) said that and
 6 you (indicating) said that.
 7 LISA KLIEST: Yeah.
 8 MR. YOUNG: You've already asked a bunch.
 9 Let them -- and then we'll --
 10 LISA KLIEST: But is Richardson Legacy and
 11 the --
 12 MR. YOUNG: -- we'll let you ask a question
 13 at --
 14 (Multiple participants speaking
 15 simultaneously.)
 16 THE COURT REPORTER: I'm sorry; one at a
 17 time, please.
 18 UNIDENTIFIED PARTICIPANT: I think we might
 19 pay attention better if we can ask our questions first.
 20 MR. YOUNG: Oh, okay.
 21 LISA KLIEST: Lisa Kliest.

1 The Richardson Legacy and the -- is it the
 2 O'Connell property across the -- by -- by Camelot, is
 3 that currently in -- in the same time frame of
 4 development as -- as this property is?
 5 MR. YOUNG: I don't know. I know that they
 6 are asking the same questions and anticipating
 7 development. I don't know where they are in the
 8 process or --
 9 LISA KLIEST: So there's no possibility of
 10 you all sharing roads onto Ring Factory, so we could
 11 expect each of them to have at least one other ingress?
 12 MR. YOUNG: No. There's every possibility
 13 of sharing roads. The County will -- once again --
 14 LISA KLIEST: Okay.
 15 MR. YOUNG: -- as somebody just pointed
 16 out, if -- if there are two properties adjacent to one
 17 another and they both want to develop at the same, the
 18 County can say, you put your road here and you put your
 19 road here. If -- if we don't own over here, we -- we
 20 can't -- we can't do that. But the County's goal is to
 21 have its transportation network and its utility network

1 work properly. If --
 2 LISA KLIEST: But there's no --
 3 MR. YOUNG: -- they have the ability to
 4 make you do that, they'll make -- and -- and --
 5 LISA KLIEST: But there's no cooperation
 6 between those properties at this point in time for us
 7 to assume that --
 8 MR. YOUNG: Yes, there is.
 9 LISA KLIEST: -- and as long as the
 10 property --
 11 MR. YOUNG: There has to be. The County
 12 will require it. It's not a question of us getting
 13 along with the guy who's developing the property next
 14 door. The County will say, you will put it here.
 15 LISA KLIEST: Oh, I'm sorry, but I --
 16 pardon me. I -- I was under the impression that those
 17 kinds of things don't really get coordinated in the
 18 County, that they kind of just fall through. And I'm a
 19 newbie here, so I could be wrong, but that's why I'm
 20 asking the question.
 21 MR. YOUNG: Right.

1 LISA KLIEST: My concern is that we're
 2 going to end up with even more than what we're looking
 3 at now and -- because of miscommunication. That's why
 4 I ask the questions.
 5 MR. YOUNG: It -- it can happen that there
 6 is a lack of coordination that one development goes in
 7 one year and another one goes in three years later, but
 8 generally they will make the guy that comes in three
 9 years later line his road up with the one that --
 10 that's there. If the -- if the other subdivision's
 11 already there and they -- it's not safe to make the
 12 roads line up, then --
 13 LISA KLIEST: And -- and we lived in
 14 Georgia, and at the end of our street was a house and
 15 not a throughway, so that's the source of my question.
 16 MR. YOUNG: And things happen. You know,
 17 I've had several projects where there was a stub road
 18 that was meant to join the adjoining property.
 19 LISA KLIEST: Exactly.
 20 MR. YOUNG: And as soon as the people moved
 21 into this development they said, we don't want our road

1 going over there because we don't want that traffic.
 2 So this great design all of a sudden -- people called
 3 their politicians and they said, don't make it go
 4 through. And it doesn't go through.
 5 LISA KLIEST: Okay.
 6 MR. YOUNG: Which is not always good
 7 for road design.
 8 LISA KLIEST: Right.
 9 MR. YOUNG: Anybody who hasn't asked a
 10 question yet want to ask one?
 11 (Hands raised.)
 12 MR. YOUNG: Yes, sir.
 13 JERRY BRATKOWSKI: Jerry Bratkowski,
 14 Somerville Road. Can you hear me back there?
 15 UNIDENTIFIED PARTICIPANT: We can hear you.
 16 UNIDENTIFIED PARTICIPANT: Yeah.
 17 JERRY BRATKOWSKI: All right. Let's recap
 18 a little bit. 300 houses, right? If the schools can't
 19 support the amount of children, if the roads can't
 20 support the amount of children, and you know that down
 21 the road before houses are built, are you telling us

1 that some of those houses may not be built so that the
2 rest of them can? In other words, you're saying 300
3 houses now but it could be 250?

4 MR. YOUNG: I don't -- I don't anticipate
5 that because I don't see those kinds of issues. The
6 schools are not a problem. That's not going -- that's
7 not going to -- those numbers --

8 JERRY BRATKOWSKI: I used that as an
9 example.

10 MR. YOUNG: Right.

11 JERRY BRATKOWSKI: Other factors, whatever
12 they may be --

13 MR. YOUNG: It is possible that that would
14 happen. But I --

15 JERRY BRATKOWSKI: But highly improbable at
16 this point in time?

17 MR. YOUNG: I don't think the numbers just
18 from what I've seen of what improvements can be made, I
19 don't think you're going to see that.

20 JERRY BRATKOWSKI: All right. Now you --

21 MR. YOUNG: Which is why it's 300 and not

1 409 which is permitted.

2 JERRY BRATKOWSKI: -- you made a reference
3 a little while ago about the zoning of different
4 parcels. What's the possibility or probability that
5 some of those R1s would get changed to R2s, and instead
6 of single-family dwellings where they're proposed now
7 that there would be town houses or some other
8 multi-family type units?

9 MR. YOUNG: As I said to you at the outset,
10 I've been doing this for 25 years, I would say the
11 chance of that is nil. First of all, it won't happen
12 for eight more years until the comprehensive rezoning,
13 and as for piecemeal rezoning, if you came to me and
14 said, Jay, will you represent me to do that, I'd say,
15 you don't have a chance. So my opinion is, no, that's
16 not going to happen.

17 UNIDENTIFIED PARTICIPANT: Mr. Young, we
18 have a question.

19 MR. YOUNG: It can happen the next
20 eight-year cycle and there's a public hearing and
21 people can fight about it, but my guess is since that's

1 already happened it's not likely to happen again.

2 JERRY BRATKOWSKI: All right. One other
3 question. If everything goes your way, when's the
4 first house going to be built?

5 MR. CAMPBELL: Good question.

6 JERRY BRATKOWSKI: I know it is.

7 MR. CAMPBELL: I -- I --

8 (Laughter.)

9 MR. CAMPBELL: Well, if we all had a
10 crystal ball with the new stormwater management regs,
11 what I would tell you is right now using the current
12 Code and current stormwater management, it -- it would
13 be over one year before you would see a spade turned.

14 JERRY BRATKOWSKI: That early?

15 MR. CAMPBELL: That late. Not early.

16 UNIDENTIFIED PARTICIPANT: That's early.

17 JERRY BRATKOWSKI: Thank you.

18 (Hands raised.)

19 MR. YOUNG: Yes, ma'am.

20 MORITA BRUCE: Morita Bruce, 507 Millwood
21 Drive.

1 I have a few points to make and some I'll
2 come back to later because I don't want to hold up the
3 discussion.

4 First of all, on the question about whether
5 something could be rezoned and they're -- instead of
6 single-family homes you could get town houses, the
7 answer was technically correct that Mr. Young gave:
8 No, there is no, in my opinion, likelihood that the R1
9 south of Ring Factory will be upgraded to R2. We've
10 been through that battle twice already. But the area
11 north of Ring Factory is already R2, and they could
12 convert that section that is now single-family homes to
13 town houses.

14 SALLY LABARR: Because it's allowed in
15 R2 --

16 MORITA BRUCE: It's allowed in R2.

17 SALLY LABARR: -- right now.

18 MORITA BRUCE: They could cover the whole
19 thing with townhouses, so --

20 LISA KLIEST: It's R2.

21 MORITA BRUCE: -- that's a clarification.

1 I --
 2 MR. YOUNG: And as we mentioned, it could
 3 be 409.
 4 MR. CAMPBELL: 409.
 5 MR. YOUNG: 409.
 6 MORITA BRUCE: Right.
 7 MR. YOUNG: And it's not.
 8 MORITA BRUCE: Correct.
 9 MR. YOUNG: It's 300.
 10 MORITA BRUCE: Right, but it could be, to
 11 answer his question correctly.
 12 UNIDENTIFIED PARTICIPANT: Under the --
 13 MR. YOUNG: Right. Under the current
 14 zoning.
 15 MORITA BRUCE: Correct. Under the current
 16 zoning.
 17 The second issue, I've heard some comments
 18 about contacting the County Council. They really
 19 aren't the ones in charge here. It's David Craig's
 20 administration, specifically, his Department of Public
 21 Works, Department of Planning and Zoning down the hall

1 and the other sections that report to the Executive,
 2 not to the County Council. The only thing the County
 3 Council can do is listen and then maybe on your behalf
 4 come over and talk to somebody here, but they would not
 5 have any more weight than you or I as a citizen walking
 6 in here.
 7 Another item is Transportation Element Plan
 8 which just passed. The road on Tollgate between
 9 Somerville and the traffic circle is scheduled to be a
 10 two-lane upgrade, which means wider shoulders, and the
 11 new designation as an urban collector defines it as
 12 having 5-foot sidewalks on either side.
 13 UNIDENTIFIED PARTICIPANT: Where is this
 14 road?
 15 UNIDENTIFIED PARTICIPANT: Between
 16 Somerville and --
 17 MORITA BRUCE: On -- I'm sorry --
 18 UNIDENTIFIED PARTICIPANT: On --
 19 MORITA BRUCE: I'm sorry. I -- on Ring
 20 Factory. I apologize.
 21 UNIDENTIFIED PARTICIPANT: On -- on

1 Tollgate.
 2 MORITA BRUCE: Sorry. Oh, thank you for
 3 correcting me. Sorry.
 4 Ring Factory between Somerville and the
 5 traffic circle. So that is supposed to be -- become a
 6 two-lane upgrade, and with the definition of urban
 7 collector road which it now has, that would say that
 8 any major changes to that road which might be
 9 occasioned here would require a road widening,
 10 sidewalks, et cetera. Now, how far they will press
 11 that on private property, the homes already against the
 12 road, I have no idea. I don't think anyone here does.
 13 But it is a valid question that if such an -- an
 14 upgrade has to go through, will this plan provide
 15 sufficient space and rights of way for that upgrade.
 16 MR. CAMPBELL: Here again, that's a
 17 component, as you know, with the Department of Public
 18 Works.
 19 MORITA BRUCE: But have you provided space
 20 for that or is there going to be something in the way
 21 that will prevent that from happening?

1 MR. CAMPBELL: As you're aware, Harford
 2 County requires us to deed 30 foot back from the center
 3 line to the property for a County right of way. In
 4 this case that has been shown on the plan, yes.
 5 MORITA BRUCE: Okay. So are you willing to
 6 consider -- and perhaps I should be asking the
 7 developer this. There is an offset of a couple hundred
 8 feet between the southern property where it enters Ring
 9 Factory Road, and coming down from the north onto Ring
 10 Factory there's an offset between those two access
 11 roads. There's a small overlap between those
 12 properties. Why can they not be aligned --
 13 UNIDENTIFIED PARTICIPANT: Yes.
 14 MORITA BRUCE: -- so that you can have
 15 something more controllable, be that a four-way stop,
 16 be that a traffic circle, be that whatever.
 17 UNIDENTIFIED PARTICIPANT: I'd say --
 18 MORITA BRUCE: There is space there, but it
 19 is not accommodated in the way that you've laid out
 20 those ends of the road at present.
 21 MR. CAMPBELL: We certainly can take a look

1 at it. However, as you're aware of, right now there's
 2 a new Code. We can not go into the buffer of the
 3 natural resources district. We have a lot of
 4 environmental concerns on that side, plus, obviously, I
 5 think someone brought up that the O'Connell property
 6 might be futurely developed, so we have to look at that
 7 also that there may be possible development of the
 8 O'Connell property and how the road system works
 9 correctly with that. But that is something definitely
 10 we're willing to look at.

11 MORITA BRUCE: Okay. Good. Did I
 12 understand that you said the stormwater has or has not
 13 been looked at by the County in accordance with the new
 14 rules?

15 MR. CAMPBELL: The -- the stormwater
 16 management has not been looked at by the County. It
 17 will fall under the new regulations.

18 MORITA BRUCE: Okay. And you will commit
 19 to abiding by that --

20 MR. YOUNG: It's the law.

21 MORITA BRUCE: -- without waiting for the

1 implementation date which could slip or vary or --

2 MR. CAMPBELL: It's been --

3 MORITA BRUCE: -- excuse me -- depending
 4 upon where you are in the pipeline?

5 MR. CAMPBELL: It's my understanding right
 6 now that as -- if you do not -- of May 4th of 2010 if
 7 you not have preliminary plan approval you will not be
 8 grandfathered from the new regulations. So as this
 9 plan stands, it will not be approved, obviously, by
 10 May 4th, 2010, so we are taking into consideration the
 11 new regs, and it will be designed as the new regs --

12 MORITA BRUCE: Okay.

13 MR. CAMPBELL: -- of what we know at this
 14 time.

15 MORITA BRUCE: So you are not going to
 16 deviate from that? You're not -- there's no way, in
 17 other words, schedule-wise that you could have the
 18 preliminary plan in the pipeline --

19 MR. CAMPBELL: Not what we know --

20 MORITA BRUCE: -- before May 4?

21 MR. CAMPBELL: -- at this time. So no,

1 there has been no plans -- as you know, we cannot
 2 submit construction plans until we have DAC plan
 3 approval. And we're a far, long way away from that.
 4 So --

5 MORITA BRUCE: The preliminary plan comes
 6 in at DAC?

7 MR. CAMPBELL: Yes.

8 MORITA BRUCE: Okay.

9 I have a comment on the open space. You
 10 correctly mentioned, Mr. Young, that with type of
 11 development you have here which is R2 C.O.S. on the
 12 northern property, conventional with open space, the
 13 reason there is such a development which allows you to
 14 put smaller lots and houses closer together and denser
 15 types of development on there, the reason that was
 16 originally put into the Zoning Code was because it was
 17 supposed to encourage people rather than sprawling out
 18 against the -- across the whole property to make the
 19 lot smaller so that communal open space could be opened
 20 up to be shared by the families in that neighborhood.

21 So although unfortunately I can't disagree

1 with your assessment that Parks and Rec would rather
 2 take the money and run, the intent of it is for that
 3 active open space to be there for the people that are
 4 in that development, particularly town houses. I mean,
 5 single-family homes it's not quite as necessary, in my
 6 personal opinion. But we have a lot of town houses in
 7 there. The yards are small. The kids need someplace
 8 to play. Families need someplace to gather.

9 Right now as I recall -- and it's been a
 10 while since I've looked at the layout -- there's less
 11 than half of the required active open space there. I
 12 would submit that all of it needs to be there and the
 13 way to do it is to back out some of the areas that are
 14 threatening both Winters Run and/or that stream-fed
 15 creek that runs through the property. There's a lot of
 16 steep slopes there and that's very pure water. There
 17 are sensitive species, primarily M.D.E. rules. Just
 18 south of both the Winters Run section you have there --
 19 and I forget the name -- that create the borders to the
 20 southern property. So both of those are dumping almost
 21 immediately into a sensitive species area.

1 I realize that you may or may not have the
 2 ability to re-site that sewage pumping station
 3 location, but if so, we need to work together with
 4 D.P.W. to get that moved. Right now it's within a
 5 gnat's eyelash, in my opinion, of being illegal. It is
 6 right on the intersection of those two streams. Right
 7 in the corner it's got a stormwater management pond
 8 over it, so if we get a heavy storm like we've in the
 9 past few years, it's going to come down that street and
 10 it's going to end up in that stormwater pond. It's
 11 going to overflow into the sewage pumping station. And
 12 guess where it goes downhill from there. So that is
 13 something that I am very concerned about.

14 So then I'll --
 15 MR. YOUNG: Thank you.
 16 MORITA BRUCE: -- sit down and shut up for
 17 the moment.
 18 MR. CAMPBELL: That's okay. Thank you.
 19 MR. YOUNG: Anybody else who hasn't spoken
 20 yet?
 21 SALLY LABARR: I have two questions for

1 you. Sally LaBarr.
 2 We were heavily involved -- citizens were
 3 heavily involved in the comprehensive rezoning last
 4 summer -- last year. That's when property owners come
 5 to the citizens of the County and say, my neighborhood
 6 has changed; I want to change my zoning; I want to go
 7 from Residential to Business because there are no more
 8 houses around here. That's when the Magnesses came --
 9 this is the second time they've come in comprehensive
 10 rezoning and asked for -- they asked mostly for R2.
 11 Through the whole process it was scaled down, some of
 12 it of it into R1. Okay. Some of it R2; some of it R1.
 13 At the time the Magnesses showed a project that was by
 14 a different builder.

15 So my question is: Before we get into the
 16 new builder, what happened to the old builder who had
 17 260 units, 11 pocket parts -- parks? They stayed off
 18 the -- the natural buffer. They were much more
 19 sensitive. That particular plan was much more
 20 sensitive to the contours of the land, and sure, they
 21 could have had up to 400 whatever homes, but they

1 didn't. They had 260, and that was proposed -- 264.
 2 That was proposed right at the time that this
 3 legislation was going through. So in my opinion, the
 4 citizens -- something's changed. What has changed?

5 MR. YOUNG: It's a new Zoning Code and a
 6 new development --
 7 SALLY LABARR: No, no, no, not the Zoning
 8 Code.
 9 MR. CAMPBELL: Yes.
 10 SALLY LABARR: No. We -- the Zoning Code
 11 came through. We worked on it. We agreed with the
 12 legislation and all that.
 13 MR. CAMPBELL: Do you have --
 14 SALLY LABARR: Absolutely.
 15 MR. CAMPBELL: The copy of the plan that I
 16 believe you're referring to, if you have a copy of it,
 17 I will gladly look at it and --
 18 SALLY LABARR: No. I have all the --
 19 MR. CAMPBELL: Could you let me finish,
 20 please? The plan I believe that you were looking at
 21 was prepared, I believe, by Bay State, is that correct,

1 by us? Do you remember?
 2 SALLY LABARR: For rezoning?
 3 MR. CAMPBELL: Yes.
 4 SALLY LABARR: All we know from rezoning is
 5 from all the stuff we got from Planning and Zoning from
 6 comprehensive rezoning.
 7 MR. CAMPBELL: Um-hum.
 8 SALLY LABARR: So, that's the question,
 9 whether it was going to go R1, R2, R3, whatever. Yes.
 10 So that's all. I didn't need anything else from Bay
 11 State.
 12 MR. CAMPBELL: What I'm trying to -- I'm
 13 trying to answer you question, so if you could help me,
 14 I will gladly -- I have been the engineer of record for
 15 the Magness property since we began this development.
 16 SALLY LABARR: When?
 17 MR. CAMPBELL: Bay State has been the
 18 engineer. We prepared a plan to go into piecemeal
 19 zoning prior to the comprehensive which was --
 20 SALLY LABARR: Yes.
 21 MR. CAMPBELL: -- approximately two years

1 ago.
 2 SALLY LABARR: Yes.
 3 MR. CAMPBELL: That's the only plan that I
 4 know that was prepared for the Magness property --
 5 SALLY LABARR: No.
 6 MR. CAMPBELL: -- and I believe that is the
 7 plan --
 8 SALLY LABARR: That is not true.
 9 MR. CAMPBELL: -- that was shown to you.
 10 SALLY LABARR: On the comprehensive
 11 rezoning from five years ago the Magness properties
 12 were requested to be zoned to R2. That comprehensive
 13 rezoning bill got all the way up and it failed. It
 14 didn't pass. It didn't get a second, and it didn't
 15 pass the County Council. So, yes, all those property
 16 owners, 350 property owners asked for rezoning. None
 17 of them got anything. Since then there have been
 18 piecemeal requests to rezone because they come into the
 19 People's Counsel Citizens Advisory Board. They come
 20 into Planning and Zoning.
 21 So, yes, the Magnesses have been there.

1 That failed. They've been -- don't know how many or
 2 much, but I do know last summer that the citizens were
 3 given -- of course, they can't have a promise, but they
 4 were given to believe that this was going to be
 5 developed by or built by a different developer who
 6 happened to be Clark Turner. It happened to have 264,
 7 not 300 and some. It happened to have 11 pocket parks
 8 instead of five. It happened to have bigger buffers
 9 instead of smaller buffers.
 10 MR. YOUNG: Not to interrupt you --
 11 SALLY LABARR: So, what I want to know --
 12 MR. YOUNG: -- but we might be back six
 13 months from now with another developer at 409 units.
 14 SALLY LABARR: That's --
 15 MR. YOUNG: And we'll have to have another
 16 meeting.
 17 (Multiple participants speaking
 18 simultaneously.)
 19 SALLY LABARR: -- that's -- that's what I
 20 want to know, though, is that that rezoning --
 21 MR. YOUNG: It's entirely possible.

1 SALLY LABARR: -- in my opinion went
 2 through --
 3 MR. YOUNG: The property is not under
 4 contract yet.
 5 SALLY LABARR: -- because the Magnesses
 6 said, oh, this is the lovely plan we're going to do.
 7 Now, the citizens then were done, right?
 8 MR. YOUNG: No.
 9 SALLY LABARR: If you listen to a property
 10 owner and the property owner says, we are going to do
 11 it this way and isn't it beautiful and here are the
 12 lovely pictures, and then the legislation goes through
 13 and it becomes R1 and R2 -- and now you're right.
 14 It'll be 490.
 15 MR. YOUNG: That's not the --
 16 SALLY LABARR: Okay. That's true -- well,
 17 let's --
 18 MR. YOUNG: -- this plan, but it's
 19 possible.
 20 SALLY LABARR: So that really shows --
 21 MR. YOUNG: I'm not going to lie to you.

1 SALLY LABARR: -- how important the County
 2 Council is to not change the Adequate Public Facilities
 3 law. They just made a change a couple months ago. It
 4 released and relaxed everything. That was done. And
 5 this the County Council who had -- who allowed this to
 6 happen. And we believed it.
 7 MR. YOUNG: Anybody else?
 8 UNIDENTIFIED PARTICIPANT: I just have a
 9 really quick question.
 10 MR. YOUNG: Yes, ma'am.
 11 BARBARA ELROY: Barbara Elroy at 519 West
 12 Ring Factory.
 13 You -- somebody mentioned earlier about the
 14 Adequate Public Facilities of the schools, and I was
 15 just curious what is -- what are the requirements --
 16 you made a comment that the schools are not a problem,
 17 their at capacity, and it depends on how much more room
 18 they have in the trailers parked out in front of them
 19 for the elementary schools that are around. What is --
 20 what is -- what is the requirement in Harford County
 21 for that -- those schools as far as the number of new

1 students coming in?
 2 MR. YOUNG: Is it 105 percent?
 3 MR. ENSOR: It's 110 percent.
 4 MR. YOUNG: 110 percent.
 5 BARBARA ELROY: 110?
 6 MR. ENSOR: But we go by the state --
 7 BARBARA ELROY: Do you happen to know what
 8 Emmorton's at right now?
 9 MR. YOUNG: No idea.
 10 UNIDENTIFIED PARTICIPANT: 128.
 11 BARBARA ELROY: 128?
 12 SHIRLEY ELDRINGHOFF: I do. Shirley
 13 Eldringhoff.
 14 It's 128 percent.
 15 MR. YOUNG: All I can tell you is if the
 16 schools are at capacity when this goes through --
 17 UNIDENTIFIED PARTICIPANT: We can't hear
 18 you.
 19 UNIDENTIFIED PARTICIPANT: Can't hear you.
 20 MR. YOUNG: If the schools are at capacity
 21 when this goes through, it will not go through. They

1 can't build it. If it's a moratorium, you can't build
 2 it. What I'm telling you -- I'm trying to be honest
 3 with you -- is my analysis of those numbers is that's
 4 not going to happen. These people would not be
 5 spending this kind of money to go into moratorium. I'm
 6 just giving you my -- I'm trying to be candid with you.
 7 (Hands raised.)
 8 MR. YOUNG: Yes, ma'am.
 9 RUTH GRAU: Ruth Grau, 505 Knightswood
 10 Court.
 11 I just have in my head with building --
 12 there was a particular building on the corner of 22 and
 13 up across from me, the cemetery, and it was built --
 14 oh, yeah, it was -- it's -- it's not going to be a --
 15 it's a house. It's a house. They never put a bathroom
 16 in it. And, oops, I guess we've got to give it to them
 17 because it's already built.
 18 Now, you know, I mean, how can we depend on
 19 anybody to protect everybody else? Because the
 20 builders just say, oh, we've got three million dollars
 21 in this. And, oh, okay. You know, no big deal.

1 MR. YOUNG: Okay. Anybody else?
 2 EILEEN FREY: I'm Eileen Frye, 720 West
 3 Ring Factory.
 4 To me, I -- I ascertain from all of this
 5 that you're going to give us a proposal, but there's
 6 absolutely nothing definite. It could change for the
 7 better or the worse.
 8 (Laughter.)
 9 LISA KLIEST: Not the better.
 10 EILEEN FREY: And secondly I'd like to say
 11 I really would like it if we could hear your proposal.
 12 We've heard a lot of questions, but I'd love to hear
 13 what you have to present.
 14 Thank you.
 15 (Hands raised.)
 16 MR. YOUNG: Yes, sir.
 17 GEORGE SCHREINER: My last question. I
 18 promise.
 19 The plan up there shows a reduced open --
 20 active open space by paying a fee in lieu. How much is
 21 it being reduced and what is the fee in lieu of?

1 MR. CAMPBELL: You can --
 2 MR. ENSOR: It's -- 3.3 acres is being
 3 provided by this proposal, and it's a concept plan, and
 4 that's what everybody has to remember. This is a
 5 concept plan. 3.3 acres of fee in lieu of proposed for
 6 this site.
 7 GEORGE SCHREINER: And what is that fee in
 8 lieu of?
 9 UNIDENTIFIED PARTICIPANT: Some of --
 10 MR. ENSOR: That is determined by Harford
 11 County Parks and Rec. I believe it's around fifty
 12 thousand dollars an acre, but they go by the
 13 assessment, the value of the land.
 14 MORITA BRUCE: They can charge you 50,000,
 15 which you cannot buy acreage --
 16 (Hands raised.)
 17 MR. YOUNG: Yes, ma'am. All right. You --
 18 THE COURT REPORTER: Excuse me, Mr. Young.
 19 Just a moment.
 20 MR. YOUNG: That's all right.
 21 THE COURT REPORTER: I'm sorry; I have to

1 change my paper.
 2 UNIDENTIFIED PARTICIPANT: Where is the --
 3 THE COURT REPORTER: Excuse me.
 4 MR. YOUNG: She needs to change her paper.
 5 (A break was taken, and the proceedings
 6 continued as follows:)
 7 THE COURT REPORTER: Okay. Go ahead,
 8 ma'am. Can you say your name again?
 9 MARGE KENNEDY: I'm Marge Kennedy,
 10 607 Lancelot Lane.
 11 I understand this is just a preliminary and
 12 you're going to have the developer here with -- tell
 13 Mr. Toll what they want to develop. When you get your
 14 final proposal and everything and everything more or
 15 less in line, are you going to have another meeting
 16 like this so we'll be able to know what's going on? Or
 17 is this our only meeting and then we're going to guess
 18 from here on out?
 19 MR. YOUNG: No. There's a process called
 20 the Development Advisory Committee which is at the
 21 preliminary plan approval stage where there's public

1 input also.
 2 MARGE KENNEDY: Okay. So there will be --
 3 MR. CAMPBELL: And again, the post -- the
 4 property will be posted with that date and it also will
 5 be in the local newspapers. And the best thing to do
 6 is either get Bay State or the County Planning -- the
 7 Department of Planning and Zoning, and they'll gladly
 8 tell you those dates.
 9 MARGE KENNEDY: Okay. Thank you.
 10 LISA KLIEST: Lisa Kliest, 712 Ring
 11 Factory.
 12 But the -- the D.A.C. really is an advisory
 13 committee, and that really has no impact on what really
 14 will come out, it's just an advisory, what they maybe
 15 think would make it better or whatever, and you could
 16 completely disregard everything they say, right?
 17 MR. YOUNG: No.
 18 MR. CAMPBELL: No.
 19 LISA KLIEST: No?
 20 MR. YOUNG: No. That is -- it is -- it is
 21 a technical committee. It's not an aesthetic

1 committee, so --
 2 UNIDENTIFIED PARTICIPANT: Speak louder,
 3 please.
 4 MR. YOUNG: -- it -- the Development
 5 Advisory Committee is the next step in the process at
 6 the preliminary plan approval process. The Development
 7 Advisory Committee is a group of 12, 15, technical
 8 people from the Sheriff's Department, the Fire
 9 Department, the Department of Public Works, the Health
 10 Department, and they review the plans and give their
 11 technical comments to the plan. Those have to be
 12 complied with.
 13 Some of them are suggestions, but they're
 14 just suggestions, but any technical requirements do
 15 have to be complied with, so that is an open meeting
 16 where citizens have input.
 17 But again, you know, I want to be candid
 18 with you. It's not a Hearing of whether or not the
 19 project's going to happen. It's zoned, okay? So
 20 there's no -- we're not asking for any special
 21 exception or any variance or anything like that, so

1 it -- it's -- you know, it's just making sure that
 2 we're complying with the law and suggestions like can
 3 we line up the roads. That's a great suggestion. We
 4 will try. And if the County can make us, they will,
 5 because it's best for everybody.
 6 But that -- that's kind of where we are in
 7 the process.
 8 LISA KLIEST: I have a follow-up question
 9 with that also.
 10 Regarding the moratorium on the schools,
 11 Red Pump is due to break ground and be open probably --
 12 I think around 2012, and -- and I understand that the
 13 rule is that if a plan is approved, once the moratorium
 14 is not there, then any plan that's approved can just
 15 begin building regardless of whether -- when all those
 16 things are built it goes back over the -- the
 17 threshold. Is that also true?
 18 MR. YOUNG: Preliminary plan approval is
 19 the grandfather point.
 20 LISA KLIEST: Right. So we could have a
 21 plan from 1975 that was approved then --

1 MR. YOUNG: No.
 2 LISA KLIEST: -- that couldn't --
 3 MR. YOUNG: No. It expires in a year.
 4 (Multiple participants speaking
 5 simultaneously.)
 6 LISA KLIEST: It expires in a year?
 7 MR. YOUNG: Two years.
 8 MR. CAMPBELL: It expires in two years.
 9 LISA KLIEST: No.
 10 MORITA BRUCE: Unless you record the lot,
 11 in which case it is --
 12 THE COURT REPORTER: I'm sorry; I can't
 13 hear you.
 14 MR. YOUNG: Yeah, if you record the lot --
 15 LISA KLIEST: Okay. So you if you record
 16 the lot --
 17 THE COURT REPORTER: Wait a minute. One at
 18 a time, please. One at a time.
 19 LISA KLIEST: Would you --
 20 MR. YOUNG: Preliminary plan approval, once
 21 you're given that, it's good for two years.

1 LISA KLIEST: Okay.
 2 MR. YOUNG: If you get preliminary plan
 3 approval and then a school goes into moratorium, you're
 4 grandfathered, but you have to move forward to record
 5 plat and have the lots recorded and created within that
 6 two-year period or you've got to start all over again.
 7 LISA KLIEST: Okay. But -- but -- so then
 8 in -- you know, we always have what's administration
 9 and then what's reality. And I think what I understand
 10 is reality is that then the plots get recorded and then
 11 as soon as the moratorium's lifted, the developers can
 12 do their developing and then we can end up instantly in
 13 moratorium again even though a new elementary school
 14 has opened. Has that been your experience?
 15 MR. YOUNG: No.
 16 LISA KLIEST: Never?
 17 MR. YOUNG: Never. You -- you don't put
 18 the kind of money that you have to get to that point
 19 into a project and take a chance on a moratorium.
 20 First of all, no bank is going to lend you the money.
 21 You've got to be pretty sure. Things happen. They

1 happened in Fallston. A law got changed.
 2 LISA KLIEST: But there's no --
 3 MR. YOUNG: Generally you're not going to
 4 have somebody want to throw this kind of money into
 5 something and then get their head chopped off.
 6 LISA KLIEST: But are there checks and
 7 balances in place so that that's checked before --
 8 before the moratorium is lifted?
 9 MR. YOUNG: Yes. It's checked by the
 10 Government. And -- but most importantly it's checked
 11 by the developer who doesn't want to lose his shirt,
 12 nor does his bank. I mean, there's -- that sort of the
 13 economics of this situation is nobody wants to go this
 14 far down a process. Preliminary plan approval is very
 15 expensive to get to. You have to do a lot of
 16 engineering and a lot of planning to get there. You
 17 don't want to throw that money in the street.
 18 LISA KLIEST: And is that normally paid for
 19 by the people who actually develop or like -- I'm
 20 sorry. Let me ask it more bluntly.
 21 MR. YOUNG: Sure.

1 LISA KLIEST: In this case was that paid by
 2 the Magnesses --
 3 MR. YOUNG: Yes.
 4 LISA KLIEST: -- or is that being paid by
 5 the Toll -- okay, whenever -- or whoever the developer
 6 is that signs it?
 7 MR. YOUNG: It will -- it -- it has been
 8 paid by the Magnesses -- you'll forgive me if I'm not
 9 supposed to say that -- up to this point, and there
 10 will come a point when that cost is assumed by the
 11 developer or builder.
 12 LISA KLIEST: So they'll pay them back, in
 13 essence; is that what you mean?
 14 MR. YOUNG: You don't pay them back --
 15 LISA KLIEST: I'm sorry to be so blunt.
 16 MR. YOUNG: -- but -- but if you -- if you
 17 take a property -- if I -- if I owned this property
 18 five years ago and I hadn't done -- I hadn't spent a
 19 penny on engineering and I wanted to sell it, the
 20 person who buys it from me is going to give me less
 21 money because they're going to have to spend more

1 money.
 2 LISA KLIEST: Okay.
 3 MR. YOUNG: If a property owner spends a
 4 million dollars getting it to this point, they're going
 5 to get more money for it. It's not really --
 6 LISA KLIEST: I understand.
 7 MR. YOUNG: -- a reimbursement, but it's
 8 enhancing the value of the property.
 9 LISA KLIEST: I understand.
 10 MR. YOUNG: Sort of like improving your
 11 house.
 12 LISA KLIEST: Right.
 13 UNIDENTIFIED PARTICIPANT: Can we hear from
 14 them here?
 15 MR. YOUNG: Yes, please.
 16 (Laughter.)
 17 (Multiple participants talking
 18 simultaneously.)
 19 LISA KLIEST: Do you have any signed
 20 agreements yet, though, with the Magnesses?
 21 MR. YOUNG: The property is not under

1 contract.
 2 LISA KLIEST: Excuse me?
 3 MR. YOUNG: The property is not under
 4 contract.
 5 LISA KLIEST: Okay.
 6 MR. HOLMES: Good evening. I'm Will
 7 Holmes. I'm a Vice President with Toll Brothers. I'm
 8 glad to be here this evening. I have with me also Dave
 9 Sadler, who is a Vice President with Toll Brothers
 10 overseeing the operations.
 11 Toll Brothers is a national home builder.
 12 Many of you may have -- may know of us. We've been in
 13 business for over 40 years. We're operating in 21
 14 states around the country. We've been building and
 15 developing in Maryland for 20 years, and we've been in
 16 Harford County -- we're going on our eighth year here.
 17 Publicly we were recently -- well, last
 18 year we were voted by Fortune magazine as the
 19 number-one ranked home builder. We came in first in
 20 five out of nine categories. Since then just this --
 21 just this week the ranking came out for this year, and

1 we are now -- we're still number one, but we're first
 2 in seven out of nine categories. We're known as a
 3 national luxury home builder around the country. We
 4 build communities that are 30 homes to 3,000 homes. We
 5 do all types -- all types of homes.
 6 In Harford County we've -- we built five
 7 communities. Our first one was Willow Vale Farm which
 8 is -- we've completed. It was estate homes. And
 9 Morning Brook Farm is also a completed estate home
 10 community. We are -- have one home left to sell in
 11 Harford Green, another single-family community.
 12 Cedarday is a -- is an estate community that we're
 13 currently selling. And Tollgate Village is a community
 14 for active adults that we're currently selling, as
 15 well.
 16 I -- at Tollgate Village and at Cedarday we
 17 have models. We're open from 11:00 to 6:00 seven days
 18 a week and would invite you all to come by and -- and
 19 visit and see -- see the community and learn about Toll
 20 Brothers. We also have a web site that we invite you
 21 to -- to check out if you want to learn more about Toll

1 Brothers.
 2 One important factor is that Toll Brothers
 3 is not just a developer and we're not just a home
 4 builder. We do both. So we -- we are going to be --
 5 if we are able to consummate an agreement, we will be
 6 not only the developer here but we're going to be
 7 building the end product here. So we care a lot about
 8 not just getting every dollar out of the community in
 9 terms of -- from the developer's perspective, but we
 10 also care about what that community is going to look
 11 like and -- and will be attractive for the people that
 12 are going to be buying there because we're the builder
 13 also.
 14 So that -- that -- I think it's an
 15 important perspective for you to think about as a
 16 community around there. Or objective is not to build
 17 homes; it's to build a community and -- so we care a
 18 lot about amenities and -- and how the lots work and --
 19 and the types of homes we build.
 20 (Multiple participants speaking
 21 simultaneously.)

1 MR. HOLMES: The -- I brought with me some
2 pictures of -- of the types of homes that we've been
3 building in Harford County.
4 LISA KLIEST: How big are those?
5 MR. HOLMES: This --
6 LISA KLIEST: How much land is on that lot?
7 MR. HOLMES: This is an estate home.
8 The -- we have -- have built these estate homes at
9 Morning Brook Farms, Willow Vale Farms, and Cedarday.
10 It -- this is the type of home that would fit on the
11 R1, 15,000-square-foot lots. So --
12 LISA KLIEST: It would?
13 (Multiple participants speaking
14 simultaneously.)
15 MR. HOLMES: It -- it would fit. We also
16 have -- this is our model at Harford Green, and this is
17 also the type of home that would fit on the R1 lot,
18 15,000 square foot.
19 LISA KLIEST: Do you happen to know in
20 these pictures what the lot size is, though? Because
21 they can be a little misleading --

1 MR. HOLMES: Well --
2 LISA KLIEST: -- with all the landscaping.
3 MR. HOLMES: -- these -- Harford Green are
4 15,000-square-foot lots, so this is a
5 15,000-square-foot lot.
6 UNIDENTIFIED PARTICIPANT: Those homes are
7 15,000?
8 MR. HOLMES: These are 20,000?
9 MR. SADLER: 20,000.
10 MR. HOLMES: 20,000-square-foot lots. We
11 build on large well and septic lots or the -- the lots
12 in R1 that are a hundred foot wide would accommodate
13 this type of home.
14 On -- in the R2 -- those are -- the
15 single-family homes are going to be 9,000-square-foot
16 lots, roughly, and there it would accommodate a home
17 like this (indicating) and like this (indicating). So
18 those are a little -- these are a littler smaller
19 homes, a little smaller lots, but again, we -- we go to
20 a lot of trouble and emphasis if we're going to define
21 ourselves as a luxury homebuilder in terms of the

1 architectural detail that we do, the way we prepare and
2 finish the lots. I think when you drive through a Toll
3 Brothers community you will recognize that -- that it's
4 a luxury home type community.
5 We are -- the plan, the concept plan
6 currently also has the potential for a townhome
7 product. This is our 24-foot townhomes that we build.
8 We're currently building these in Anne Arundel County,
9 Montgomery County, but this will give you the flavor
10 for -- for the type of townhome we do. Then the
11 Tollgate Village -- I had it here.
12 MR. ENSOR: It's right behind you.
13 MR. HOLMES: Okay. I've got two pictures.
14 We currently have what -- what we call a carriage type
15 product which is what this looks like. And this is a
16 picture of Tollgate Village. It's in Bel Air. We're
17 -- we're actively selling there now, and we would
18 envision trying to do this type of product here, as
19 well. And -- and it does show a pocket park or
20 amenity, the type of thing we try and do with our
21 communities.

1 (Hands raised.)
2 JERRY BRATKOWSKI: Jerry Bratkowski.
3 You said that that style house goes on a
4 9,000-square-foot lot?
5 MR. HOLMES: Okay. The -- this --
6 JERRY BRATKOWSKI: Okay. That (indicating)
7 one.
8 MR. HOLMES: Yes.
9 JERRY BRATKOWSKI: What's the square
10 footage of that house and what do you anticipate the
11 selling price would be?
12 MR. HOLMES: This is -- I believe this one
13 is 2600 square feet, roughly. There is a potential to
14 do structural additions to the homes to make them
15 larger. I don't know -- it'll --
16 JERRY BRATKOWSKI: Ballpark.
17 MR. HOLMES: Depending on where the market
18 is, I can tell you I believe these types of homes are
19 going to be selling in the mid 4s. In today's market
20 we're here with --
21 JERRY BRATKOWSKI: All right. Back up to

1 the previous photo of the rancher.
 2 MR. HOLMES: The carriage home?
 3 JERRY BRATKOWSKI: All right. What size
 4 lot is that going on and what's the square footage of
 5 that house?
 6 MR. HOLMES: This is an attached product.
 7 JERRY BRATKOWSKI: Attached? Oh.
 8 MR. HOLMES: Yeah.
 9 JERRY BRATKOWSKI: Oh. No, never mind.
 10 That's not a single?
 11 MR. HOLMES: No, no.
 12 JERRY BRATKOWSKI: So the least expensive
 13 single-family dwelling is going to be in the mid 4s?
 14 MR. HOLMES: Roughly. It will probably --
 15 you know, depending on what the market's at when we --
 16 when we build, but if you were thinking about it in
 17 terms of today's dollars it's probably --
 18 JERRY BRATKOWSKI: Yes, that's what I'm
 19 talking about. It's all relative.
 20 MR. HOLMES: Does that sound right?
 21 MR. SADLER: Yes.

1 (Hands raised.)
 2 MR. HOLMES: Yes.
 3 BARBARA ELROY: Barbara Elroy, 519 West
 4 Ring Factory.
 5 When you come in and develop any of these
 6 properties is -- I know from seeing lots of development
 7 going on in different places the common mode is to come
 8 in and bulldoze and flatten everything, take out all
 9 the trees, all the bushes, everything, bring all the
 10 contours out of the land and then put houses up. Is
 11 that -- is that what you do?
 12 MR. HOLMES: No. That -- we would not
 13 consider that a luxury home type of community.
 14 BARBARA ELROY: Well, I've heard of -- it's
 15 been thrown around a lot by a lot of people.
 16 MR. HOLMES: Well, one -- one thing you can
 17 take solace in I think is these new Chapter 5 M.D.E.
 18 regulations that are coming about for stormwater
 19 management. They are significantly limiting the
 20 ability to do that type of mass grading and change of
 21 the topography as has been done in the past.

1 BARBARA ELROY: Um-hum.
 2 MR. HOLMES: So, one -- we're -- again,
 3 we're not just the developer trying to do it as cheaply
 4 as we can to sell it to the builder; we're also the
 5 builder trying to create the community to attract
 6 people to want to buy -- buy here. And -- and -- so we
 7 take a lot of care in trying to make the most of the
 8 amenities of the property provided.
 9 (Hands raised.)
 10 MR. HOLMES: Yes.
 11 HELEN ROGERS: Helen Rogers, 714 West Ring
 12 Factory Road.
 13 If you get this, do you envision using the
 14 plans that we've been shown, roughly, or are you going
 15 to come up with something on your own, and do you
 16 envision trying to keep around 300 or going up or down?
 17 MR. HOLMES: The -- the current plan we --
 18 we expect is going -- will change because of the -- the
 19 process we're going to go through in -- and meeting
 20 particularly the stormwater management regulations. We
 21 do -- we like the fact that we've got single-family on

1 both sides of Ring Factory Road and we like the fact
 2 that there are the what we call carriage product which
 3 is -- it's not age restricted, but it tends to target
 4 folks that are active adult age, kind of in its own
 5 neighborhood with some privacy.
 6 But I'm sure there are going to be lots of
 7 changes that are going to come about as -- as we go
 8 through the process.
 9 GUS DEMOS: Gs Demos.
 10 THE COURT REPORTER: Can you stand up,
 11 please?
 12 GUS DEMOS: (Complies.)
 13 THE COURT REPORTER: Thank you.
 14 GUS DEMOS: Gus Demos, 602 Camelot Drive.
 15 I think a lot of us are concerned about the
 16 town houses. What is the, as far as selling price, the
 17 most inexpensive town house that you produce?
 18 MR. SADLER: Dave Sadler with Toll
 19 Brothers. I can answer that. In Maryland we -- I sell
 20 townhomes in -- near the Arundel Mills Mall that are in
 21 the 400s. We also have in -- in Prince George's County

1 we have a large community called Marlborough Ridge. I
 2 think they're in the upper 3s there. But that would be
 3 the cheapest homes --
 4 MR. HOLMES: The prices --
 5 MR. SADLER: -- in --
 6 MR. HOLMES: The prices I gave you before
 7 are -- are what we call our starting base prices in the
 8 mid 4s. What typically happens is people add options
 9 and structural options so that usually -- for Harford
 10 Green if they're starting in the mid 4s in terms of the
 11 base price, those homes are probably settling in the
 12 low to mid 5s on average.
 13 (Hands raised.)
 14 MR. HOLMES: Yes.
 15 LEE MAGNESS: How are you planning to
 16 handle --
 17 THE COURT REPORTER: Sir, can you just
 18 stand up, please? It's hard to hear when --
 19 LEE MAGNESS: (Complies.) Lee Magness,
 20 again.
 21 THE COURT REPORTER: Thank you.

1 LEE MAGNESS: 1201 Whitaker Mill Road.
 2 And how are you planning to handle all
 3 the -- the fall on the property? It's about 160 feet
 4 from -- of drop from Tollgate Road to Winters Run.
 5 You've got two streams that run through the property
 6 that are very steep that also run into Winters Run.
 7 I'm looking at all the lots of -- on the plat and
 8 things and looking at the contours there's probably on
 9 average about a 40-foot drop across each one of these
 10 lots looking at the contours, so -- and I don't see
 11 any -- any house in the samples that are built on that
 12 kind of grade. So how -- how are you going to handle
 13 the stormwater runoff? I mean, it -- it's going to be
 14 tremendous.
 15 The other question would be how much
 16 impervious surface are you creating on this property?
 17 I mean, again, the bigger the houses the more roof area
 18 you're putting on also on the small lot and then count
 19 in the roads and everything too.
 20 MR. HOLMES: The -- I -- I don't have
 21 enough information engineering-wise to -- to answer the

1 impervious question today. And the -- in terms of the
 2 steep slopes and the stream areas, we're going to
 3 comply with the regulations to do that. I -- I can
 4 tell you as a developer, wearing a developer's hat,
 5 we're not looking to -- to spend a whole lot of money
 6 dealing with grades, so we're going to try to be smart
 7 about it and work with the grades that exist.
 8 But at this time it's still very early in
 9 the engineering process, and I don't have a good
 10 answer, to be specific.
 11 LEE MAGNESS: It's just like I say, if you
 12 look at these lot sizes and the -- and the contour
 13 lines going through them there's three or four lines
 14 through almost every lot. And again, by my comparing
 15 it to the scale that I have it looks like -- I mean, it
 16 looks 10-foot contours, which compared to my other maps
 17 it's 20-foot contours, so that's a lot of -- lot of
 18 fall over each lot.
 19 MR. HOLMES: Which is why I said before
 20 that there are probably going to be a lot of changes
 21 that are going to take place as we go through the

1 process.
 2 SHARLOTT CLARK: Sharlott Clark, Somerville
 3 Road.
 4 MR. HOLMES: Yes, ma'am.
 5 SHARLOTT CLARK: I'm curious. Are you
 6 going to have water and sewer that you're going to
 7 bring that down Ring Factory into Somer- -- where
 8 Somerville Road is? There's going to be houses on that
 9 corner. Is that going to be water and sewage for these
 10 homes?
 11 MR. HOLMES: Help me with --
 12 MR. ENSOR: In all of the home sites
 13 proposed --
 14 SHARLOTT CLARK: Um-hum.
 15 MR. ENSOR: Will be on public water and
 16 sewer.
 17 SHARLOTT CLARK: Okay.
 18 MR. ENSOR: Now, typically what Harford
 19 County's Water and Sewer Department will do is in
 20 addition to looking at our home sites and say, here's
 21 the home sites that you have to serve, they look at it

1 from a regional standpoint, as well. So we look
 2 individually for our client. Harford County looks at
 3 the broader range.
 4 MR. HOLMES: Thanks.
 5 LISA KLIEST: So you're saying that --
 6 SHARLOTT CLARK: Are --
 7 LISA KLIEST: -- if were on a well now then
 8 we would probably have to go into public water and --
 9 MR. ENSOR: No.
 10 UNIDENTIFIED PARTICIPANT: No.
 11 MR. ENSOR: No, that is not the case.
 12 UNIDENTIFIED PARTICIPANT: Because when
 13 these meetings first started --
 14 THE COURT REPORTER: I'm sorry; your name
 15 sir?
 16 TIMOTHY GOMERINGER: Tim Gomeringer.
 17 Harford County was at those original first
 18 meetings and they said it would be a long time before
 19 we hooked up.
 20 (Multiple participants speaking
 21 simultaneously.)

1 TIMOTHY GOMERINGER: No, the way they have
 2 it you would not have to pay for -- pay for the hookup
 3 to your home, but not for the --
 4 (Multiple participants speaking
 5 simultaneously.)
 6 LISA KLIEST: Looking at the -- I just want
 7 some perspective. With maybe not the townhomes but the
 8 single-family homes, is there a -- can you give me a
 9 guide for how much space there is from like edge of
 10 house to edge of house? Are these real close together
 11 because they are larger homes or are they, you know --
 12 I've seen some plans around, and I'm not sure if I've
 13 seen the ones you mentioned where it is a -- a house
 14 with a -- a big sprawling yard. How -- how close would
 15 these be?
 16 MR. ENSOR: Well --
 17 LISA KLIEST: Can you --
 18 MR. ENSOR: Mitch Ensor, Bay State.
 19 The Zoning Code sets the size of the lots
 20 required per zone.
 21 LISA KLIEST: Um-hum.

1 MR. ENSOR: It also sets the setbacks
 2 required --
 3 LISA KLIEST: Oh.
 4 MR. ENSOR: -- for the home sites.
 5 LISA KLIEST: Okay.
 6 MR. ENSOR: So we have to --
 7 LISA KLIEST: What is the setback, then?
 8 Do you happen to know for the --
 9 MR. ENSOR: Yeah.
 10 LISA KLIEST: -- single-family homes?
 11 MR. ENSOR: Generally on average you're
 12 going to have a 10-foot side yard setback on all the
 13 homes except for the attached which the lot line
 14 runs --
 15 LISA KLIEST: So then --
 16 MR. ENSOR: -- right along the party wall
 17 line.
 18 LISA KLIEST: So that -- is that 10-foot --
 19 THE COURT REPORTER: I'm sorry; excuse me.
 20 Which runs right down the...
 21 MR. ENSOR: Party wall line.

1 THE COURT REPORTER: Okay.
 2 LISA KLIEST: So 10 foot on each side of
 3 that line? So 20-foot --
 4 MR. ENSOR: For the --
 5 LISA KLIEST: -- maximum?
 6 MR. ENSOR: For the single-family homes.
 7 LISA KLIEST: 20-foot maximum?
 8 MR. ENSOR: It would be a 20-foot minimum.
 9 LISA KLIEST: Minimum?
 10 MR. ENSOR: It could be larger. You don't
 11 have to set the home on the 10-foot setback. It could
 12 be 14 feet --
 13 LISA KLIEST: Okay.
 14 MR. ENSOR: -- and 10 feet for a total of
 15 24. The closest any two homes could be is 20 feet from
 16 each other.
 17 LISA KLIEST: 20 feet. Okay.
 18 BARBARA ELROY: Barbara Elroy, 519 West
 19 Ring Factory again.
 20 Maybe I misunderstood. You were talking
 21 about the townhomes on the north part of the -- the

1 town houses could be up there. I understood they were
 2 just going to be regular town houses, but then you were
 3 talking about the carriage and the over 50 age group.
 4 Are you envisioning that to be more like your -- your
 5 place on North Tollgate?
 6 MR. HOLMES: Um-hum.
 7 BARBARA ELROY: So it's not going to be
 8 just town houses like this. You're envisioning this
 9 part to be an over -- an active adult community?
 10 MR. HOLMES: It will -- it would -- we
 11 envision providing this product which tends to target
 12 or be attractive to the active adult. It's not age
 13 restricted.
 14 BARBARA ELROY: Okay.
 15 MR. HOLMES: That's not our intent today.
 16 But it's another offering.
 17 BARBARA ELROY: So you're offering that
 18 along with these town houses -- this town house model
 19 here in the same property?
 20 (Multiple participants speaking
 21 simultaneously.)

1 MR. HOLMES: Within the -- the R2 area.
 2 BARBARA ELROY: In the R2 area?
 3 MR. HOLMES: Yes.
 4 (Hands raised.)
 5 MR. HOLMES: Yes, sir.
 6 ERIC KLIEST: I'm Eric Kliest, 712 Ring
 7 Factory Road.
 8 These aren't a comprehensive list of all of
 9 the town houses and single-family houses and various
 10 other houses that you have built or could build,
 11 correct?
 12 MR. HOLMES: (Nods head.)
 13 ERIC KLIEST: So, what is really the point?
 14 You -- you said you're not under contract. Basically
 15 once you sign a contract you could pretty much do
 16 whatever you want, do as many as you can agree to. And
 17 right now we've been told a year ago it would be
 18 three -- what, 264. Now it's three-something. Who
 19 knows? It could be whatever, so this is really just
 20 basically a pig in a poke. I mean, it's nice, pretty
 21 pictures, but it really means nothing to us.

1 (Multiple participants speaking
 2 simultaneously.)
 3 MR. HOLMES: I -- I would invite you to go
 4 visit some of our communities we have in Harford County
 5 to get an idea of the type of product we do. I do
 6 know -- I can tell you that Harford County, they
 7 require a 24-foot wide townhome, which is a nice size.
 8 There are provisions where you can do some 20-foot. I
 9 think one for every four could be a 20- or 22-foot.
 10 But right -- you know, right now I think the plan
 11 that's envisioned is 24-foot-wide townhomes.
 12 The -- visit our website to see the
 13 products we do. Please go visit some of the
 14 communities we have. I -- I think they will speak
 15 better to what we do than what --
 16 LISA KLIEST: How long --
 17 MR. HOLMES: -- I can tell you.
 18 LISA KLIEST: How long has the Tollgate
 19 Village been -- houses completely -- well, from the
 20 first house complete? When was that with the
 21 Tollgate Village?

1 MR. SADLER: Tollgate Village I believe was
 2 three or four years.
 3 LISA KLIEST: Okay. And how many homes
 4 would be on that site?
 5 MR. SADLER: On -- on that type of product?
 6 LISA KLIEST: In that -- no, no, in that --
 7 in Tollgate Village?
 8 MR. SADLER: Oh, I think there are 106.
 9 LISA KLIEST: Okay. And how many more are
 10 to be sold?
 11 MR. SADLER: About 19.
 12 LISA KLIEST: Nineteen. And is this park
 13 from -- on Tollgate?
 14 MR. SADLER: Yeah. Um-hum.
 15 LISA KLIEST: And do you know how many
 16 acres that is with that sitting on there?
 17 MR. SADLER: I don't know off the top of my
 18 head. I'm guessing maybe an acre or maybe a little
 19 larger. Maybe one to two. It has a gazebo, a walking
 20 trail, and a bocce ball court.
 21 LISA KLIEST: What --

1 THE COURT REPORTER: I'm sorry; it has a
2 gazebo, a trail -- a walking trail, and a --
3 MR. SADLER: And a bocce ball court.
4 THE COURT REPORTER: Okay. Thank you.
5 (Laughter.)
6 (Multiple participants speaking
7 simultaneously.)
8 LISA KLIEST: And would that be done on the
9 sloping area or is this completely not -- like is the
10 area not on the slopes?
11 (Multiple participants speaking
12 simultaneously.)
13 MR. SADLER: I don't think we can answer
14 that right now. I don't know. This -- this park is on
15 a slight slope.
16 LISA KLIEST: Well, yeah, but these ones
17 are -- okay. And tell me again how many you haven't
18 sold yet. You've got 19 --
19 MR. SADLER: Nineteen left.
20 MR. HOLMES: We'd be happy to sell you one.
21 LISA KLIEST: No thanks.

1 (Laughter.)
2 EILEEN FREY: I have a question. Eileen
3 Frey.
4 I think most of us here probably feel as --
5 most people feel as I do that these town houses are
6 totally changing the chemistry of our community. And
7 I'd like to know is this necessary, is there a
8 possibility we could change it. We have all
9 single-family homes in our community. We have enough
10 congestion already. Is this a decision of Toll
11 Brothers or is it the Magnesses, and could it be
12 changed possibly?
13 (Multiple participants speaking
14 simultaneously.)
15 MR. HOLMES: It's the Magnesses' plan right
16 now.
17 EILEEN FREY: Okay.
18 MR. HOLMES: And I would -- I would say at
19 this point Toll Brothers is not looking to deviate from
20 the product. We're -- we're trying to offer a wide
21 variety of housing types to folks, but I -- if -- the

1 types of townhomes we build are not -- well, they're
2 luxury type townhomes. They're -- you know, they're
3 going to be around 400,000, and I think they allow for
4 folks to have a different type of housing alternative
5 that maybe don't care for the carriage or are not able
6 to afford the larger single-family. But our intention
7 right now would be to build town houses.
8 (Hands raised.)
9 BARBARA ELROY: Barbara Elroy.
10 THE COURT REPORTER: Can you stand up,
11 please?
12 BARBARA ELROY: Just a question about
13 timing-wise. Somebody said it would be about a year
14 before anything would start going up. And in looking
15 at what you're trying to develop and the price range
16 you're talking about, I know you said you've got 19
17 more homes to sell in Tollgate. Those homes are
18 approximately in the same range as these, correct?
19 MR. SADLER: Yeah, they're in the 4s and
20 5s.
21 BARBARA ELROY: I have two questions. How

1 long does it take you to sell one of those and do you
2 build homes before the -- and build on a lot before
3 it's sold?
4 MR. SADLER: Typically we don't. We -- we
5 sell to a -- to a buyer that allows them to pick their
6 floor plan and type, they choose all of the options and
7 features that go in the home.
8 BARBARA ELROY: So if that -- if you're
9 looking at one year before anything starts, how long do
10 you anticipate it's going to take you to sell 300 or
11 more of these \$400,000 homes in today's economy?
12 MR. SADLER: That was -- in today's
13 economy --
14 BARBARA ELROY: Yeah, right.
15 (Multiple participants speaking
16 simultaneously.)
17 MR. SADLER: We believe the economy's
18 improving and --
19 (Multiple participants speaking
20 simultaneously.)
21 MR. SADLER: -- that, you know, if you look

1 back, they actually are --
 2 UNIDENTIFIED PARTICIPANT: I don't know how
 3 much longer it's going to take.
 4 MR. SADLER: -- it's going to take much
 5 longer than we anticipated than before, but it'll take
 6 a number of -- I can't tell you if it's four or six or
 7 eight, but it takes a number of years.
 8 LISA KLIEST: Can I clarify again? You're
 9 saying it's going to be probably not such a luxury
 10 townhome as we're seeing here to fit on those lots? Or
 11 are you saying, yes, it would be this style of luxury
 12 townhomes to fit on those lots?
 13 MR. HOLMES: It would be, yeah. Yes, it
 14 would be.
 15 (Hands raised.)
 16 MR. HOLMES: Yes, sir.
 17 UNIDENTIFIED PARTICIPANT: It would be --
 18 CHRIS ROWSOM: Chris Rowsom, 606 West Ring
 19 Factory.
 20 I -- I believe I live in one of the
 21 probably older houses on West Ring Factory. It's

1 actually one of the old Magness farm houses. It's a
 2 quaint house. Some of you may have seen my big peace
 3 sign up there.
 4 UNIDENTIFIED PARTICIPANT: We love it.
 5 (Laughter.)
 6 CHRIS ROWSOM: Good. I'm glad.
 7 And what -- what effect does this type of
 8 development have on the value of existing homes?
 9 UNIDENTIFIED PARTICIPANT: And property
 10 taxes.
 11 CHRIS ROWSOM: And property -- yeah, just
 12 give -- give us the whole --
 13 UNIDENTIFIED PARTICIPANT: Yeah.
 14 CHRIS ROWSOM: What's -- what's the effect
 15 going to be financially on us with --
 16 UNIDENTIFIED PARTICIPANT: Right.
 17 CHRIS ROWSOM: -- the equity in our houses,
 18 costs that we -- we may run in -- I realize this is a
 19 big question -- but costs that we may run into and
 20 anything that --
 21 UNIDENTIFIED PARTICIPANT: What about --

1 MR. HOLMES: The homes we put in I -- I
 2 think will add to the value of the community. There
 3 are -- we're talking about homes that are going to
 4 range from, you know, high 3s and 4s at a minimum and
 5 probably up to six, 700,000 in today's dollars. By the
 6 time this is built out those dollars will be greater,
 7 hopefully, as the economy recovers. So I -- I -- in
 8 the community -- again, please visit our communities to
 9 get a sense of the type of work we do. I think you'll
 10 find that the quality will help in terms of the overall
 11 value of the area.
 12 CHRIS ROWSOM: Okay. I wasn't disputing at
 13 all the quality of your homes at all, you know. I'm
 14 sure it's very, very, nice. And just, you know, for
 15 those of us -- myself in particular -- who live in
 16 those quaint but very comfortable old houses --
 17 UNIDENTIFIED PARTICIPANT: We're not
 18 luxury.
 19 (Laughter.)
 20 CHRIS ROWSOM: We're not luxury, and you
 21 know, I just -- yeah, I just kind of wanted to get an

1 idea from you what the effect would be on our home
 2 values in the --
 3 MR. HOLMES: The -- this will mean that
 4 this area will be perceived as an area of high home
 5 values and --
 6 UNIDENTIFIED PARTICIPANT: And your taxes
 7 will go up.
 8 THE COURT REPORTER: I'm sorry. Sir, can I
 9 get your name? Did you just say that?
 10 UNIDENTIFIED PARTICIPANT: Yeah.
 11 THE COURT REPORTER: Can you repeat that
 12 and your name, please.
 13 RAYMOND PACITTI: I said, and your taxes
 14 will go up. Ray Pacitti.
 15 (Laughter.)
 16 MR. HOLMES: And typically that means all
 17 the housing stock in the area is going up too. There's
 18 no guarantees or assurances. There are a lot of things
 19 like the economy that have a much bigger effect than I
 20 think -- thank I think what this will.
 21 MR. YOUNG: A few more questions. Anybody

1 else?

2 MIKE GOUDREAU: I have just a question.
3 Michael Goudreau.

4 And it's -- it's not about the -- the
5 houses, though. It's about where they might be placed,
6 just to make sure because -- could we see the map
7 again? I want to address also something that -- that
8 someone else -- I believe it was you (indicating) --
9 mentioned about -- I -- I was wondering just --
10 there -- there's some very steep grades, and I'm
11 talking about the -- the area along Plumtree which is
12 at the very bottom of the map, that dark Plumtree Run
13 is the stream down there that will feed into -- into
14 a -- it connects up to Winters Run. And I was just
15 wondering how close to the crest of the hill would --
16 would the houses be placed and/or would they be -- how
17 close to the -- to the stream would they be going.

18 That's a very, very, dangerous stream when
19 it comes to stormwater runoff that -- and it's -- but
20 it's also an incredibly beautiful river valley. And I
21 think that -- that -- I wonder if you -- if you're

1 thinking of a -- a golden opportunity to preserve that
2 area because it forms like a greenway all the way from
3 Dr. Cook's property down to the environmental center at
4 Atkisson Dam all the way to Singer Road, which is an
5 unobstructed pathway for wildlife and County property
6 and State property, which in the future might be a
7 really -- the only area left that is preserved and
8 saved for -- for wildlife, which could be an incredible
9 draw for your community if you kept as much of that as
10 possible.

11 So I'm just saying, you know, are you
12 keeping in mind not just the open space for the playing
13 fields and gazebos, as wonderful as those community
14 spaces are, but I think you've got a really great
15 opportunity as -- as up in the Gunpowder area to keep
16 some wild space for walking trails. I don't believe
17 they're passive use areas, especially if you see the
18 Ma and Pa trail on a weekend, you know. I mean, you've
19 got opportunities for a lot of pres- -- historic
20 preservation and wildlife preservation.

21 So I think everybody here would like to see

1 more open space, not less. So I hope you -- that's
2 a --

3 (Multiple participants speaking
4 simultaneously.)

5 MR. ENSOR: Mitch Ensor.

6 MIKE GOUDREAU: Thank you.

7 MR. ENSOR: If I could show you the
8 limit --

9 (Clapping.)

10 THE COURT REPORTER: I'm sorry; I couldn't
11 hear you. Could you say that again?

12 MR. ENSOR: I'll start over. Mitch Ensor
13 with Bay State.

14 The limit of any proposed improvement,
15 meaning lots and homes, is at this (pointing) line,
16 which is -- this scale is 1 inch equals.

17 UNIDENTIFIED PARTICIPANT: 200 --

18 MR. ENSOR: -- 200 feet. From a ballpark
19 standpoint if I say this is 3 inches or so, that's --
20 that's 600 feet, and over on this side it's probably
21 pushing eight to 900 feet off of that area.

1 MIKE GOUDREAU: Where is the -- the Magness
2 house and barn now? Is that on that edge or is it --

3 UNIDENTIFIED PARTICIPANT: It's right --

4 MR. ENSOR: It's right here (pointing.)

5 MIKE GOUDREAU: Oh.

6 MR. ENSOR: So it's at the crest of the
7 hill.

8 UNIDENTIFIED PARTICIPANT: It's at the
9 crest.

10 THE COURT REPORTER: I'm sorry, ma'am.
11 Your name?

12 UNIDENTIFIED PARTICIPANT: I'm sorry.
13 Excuse me.

14 THE COURT REPORTER: Go ahead.

15 KATE GOUDREAU: I'm Kate Goudreau.

16 THE COURT REPORTER: Okay. And that's
17 the --

18 KATE GOUDREAU: That's --

19 MR. ENSOR: Their --

20 KATE GOUDREAU: Their house is at the crest
21 of the hill. Everything south of that is down, and

1 it's --
 2 MIKE GOUDREAU: Very steep.
 3 KATE GOUDREAU: Very steep. I -- we live
 4 -- we live on Plumtree Road, which is at the right --
 5 right by the stream on the other side.
 6 MR. YOUNG: Well, we thank you all for
 7 being here tonight.
 8 UNIDENTIFIED PARTICIPANT: Well, it's --
 9 MR. YOUNG: I hope we were able to answer
 10 some questions for you. And --
 11 (Hand raised.)
 12 MR. YOUNG: Yes, ma'am.
 13 MORITA BRUCE: Hard to believe, but I have
 14 a couple more comments. Personally, I don't have --
 15 Morita Bruce. Sorry.
 16 On the southern property I really don't
 17 have much of a concern with your layout. My only
 18 question on that is the stormwater pond is on the
 19 extremely steep slope overhanging the road and already
 20 we get sediment runoff, we get water runoff and snow
 21 melt and stuff where you can't drive in that section

1 without going out into the middle of the road. I would
 2 suggest that since you already have to have the open
 3 space along the road there, which is fine, why don't
 4 you go ahead and use it for some environmental site
 5 design, meandering channels, and stuff like that to try
 6 to get some water infiltration rather than taking a
 7 chance and flooding that road out. And then from
 8 there, of course, it would go down to that one-lane
 9 bridge and into Winters Run.
 10 My concerns are primarily on the northern
 11 part. Right -- on many of the sections there you're
 12 right up against the natural resource district or
 13 against other standoff distances from flood plains and
 14 stream banks and stuff like that, steep slopes. Cut a
 15 few of them out. Put the active open space in that
 16 you're supposed to have by the Harford County Zoning
 17 Code. Don't cheap out on it.
 18 Bring that back, redistribute some of your
 19 stormwater ponds to redistribute it a little better
 20 rather than putting it right at the entrance to both
 21 the Winters Run itself, which is a major watershed and

1 a drinking water source, but also that stream-fed creek
 2 that goes through there with its steep banks. Hold
 3 some of that back. And if you'd like, I'll stay after
 4 the meeting and give you some precise recommendations
 5 for your considerations.
 6 (Laughter.)
 7 MORITA BRUCE: But basically don't flood
 8 out the -- the sewage pumping station. Be very careful
 9 where you put the sediment retention ponds. Put enough
 10 of them in there that you can, to use a non-technical
 11 term, dribble the water in rather than flushing it down
 12 a pipe when it overflows. I know you're supposed to
 13 design -- and I'm sure you will -- to the 100-year
 14 flood.
 15 UNIDENTIFIED PARTICIPANT: We've had --
 16 MORITA BRUCE: But we've had a couple of
 17 those.
 18 UNIDENTIFIED PARTICIPANT: We had a --
 19 MORITA BRUCE: So let's plan for it. Let's
 20 be a little more conservative, and I think it will make
 21 it a better property to sell, as well. So I will be

1 happy to --
 2 MR. YOUNG: Thank you.
 3 MORITA BRUCE: -- give you some specifics
 4 later.
 5 MR. YOUNG: Thank you very much.
 6 And again, thank you all for coming
 7 tonight.
 8 (Community Input Meeting was adjourned at
 9 7:48 p.m.)
 10
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 21

1 State of Maryland
2 County of Harford, to wit:

3

4 I, Sandra A. Judd, a Notary Public of the
5 State of Maryland, County of Harford, do hereby certify
6 that the within-named proceedings took place before me
7 at the time and place herein set out.

8 I further certify that the proceedings were
9 recorded stenographically by me and this transcript is
10 a true record of the proceedings.

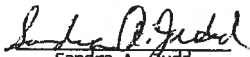
11 I further certify that I am not of counsel
12 to any of the parties, nor an employee of counsel, nor
13 related to any of the parties, nor in any way
14 interested in the outcome of this action.

15 As witness my hand and notarial seal this
16 23rd day of March, 2010.

17

18

19


Sandra A. Judd
Notary Public

20 My Commission Expires:

21 August 16, 2013

\$	4	abuts [1] 44/20
\$400,000 [1] 116/11	40 [1] 90/13	accept [1] 45/8
'	40-foot [1] 102/9	acceptable [1] 10/19
'80s [2] 29/7 29/9	400 [1] 70/21	accepted [1] 47/14
'90 [1] 29/9	400,000 [1] 115/3	access [1] 64/10
1	400s [1] 100/21	accommodate [2] 94/12 94/16
10 [1] 108/2	408 [1] 46/9	accommodated [1] 64/19
10 feet [1] 108/14	409 [6] 32/14 58/1 61/3 61/4 61/5 74/13	accordance [4] 13/20 21/10 44/2 65/13
10-foot [4] 103/16 107/12 107/18 108/11	45 [2] 33/12 33/19	accountable [1] 22/7
100-year [1] 127/13	490 [1] 75/14	acre [3] 44/20 80/12 112/18
105 [1] 77/2	4s [6] 96/19 97/13 101/8 101/10 115/19	acreage [1] 80/15
106 [1] 112/8	119/4	acres [4] 33/1 80/2 80/5 112/16
107 [1] 3/6	4th [2] 66/6 66/10	across [7] 3/5 40/9 41/9 53/2 67/18 78/13
11 [2] 70/17 74/7	5	102/9
110 [2] 77/4 77/5	5-foot [1] 62/12	action [1] 129/14
110 percent [1] 77/3	50 [3] 41/21 42/9 109/3	active [12] 23/11 23/14 23/18 23/19 68/3
11:00 [1] 91/17	50,000 [1] 80/14	68/11 79/20 91/14 100/4 109/9 109/12
12 [1] 83/7	50-some [1] 28/10	126/15
1201 [3] 44/14 44/19 102/1	505 [1] 78/9	actively [1] 95/17
128 [3] 77/10 77/11 77/14	507 [1] 59/20	actually [6] 20/2 38/8 50/18 87/19 117/1
14 [1] 108/12	519 [6] 14/13 24/21 34/8 76/11 98/3 108/18	118/1
15 [1] 83/7	521 [1] 40/3	add [2] 101/8 119/2
15,000 [2] 93/18 94/7	5s [2] 101/12 115/20	addition [1] 104/20
15,000-square-foot [3] 93/11 94/4 94/5	6	additions [1] 96/14
16 [1] 129/21	600 [2] 18/1 30/13	address [4] 6/16 34/16 35/9 121/7
160 [1] 102/3	600 feet [1] 123/20	addresses [2] 35/17 36/2
1800s [1] 28/10	602 [1] 100/14	Adequate [7] 7/18 11/1 44/9 45/16 47/17
19 [3] 112/11 113/18 115/16	603 [1] 34/15	76/2 76/14
1975 [1] 84/21	606 [2] 31/16 117/18	adjacent [1] 53/16
1990 [1] 28/11	607 Lancelot [1] 81/10	adjoining [1] 55/18
2	632 [1] 32/19	adjourned [1] 128/8
20 [3] 42/2 90/15 111/9	6:00 [1] 91/17	administration [2] 61/20 86/8
20 acres [1] 33/1	6:09 [1] 1/10	adult [3] 100/4 109/9 109/12
20 feet [2] 108/15 108/17	7	adults [1] 91/14
20,000 [2] 94/8 94/9	70-acre [1] 44/20	advanced [1] 9/11
20,000-square-foot [1] 94/10	700,000 [1] 119/5	advisory [6] 73/19 81/20 82/12 82/14 83/5
20-foot [5] 103/17 108/3 108/7 108/8 111/8	712 [5] 15/7 30/5 43/12 82/10 110/6	83/7
200 [2] 2/4 123/17	714 [2] 10/1 99/11	aesthetic [1] 82/21
200 feet [1] 123/18	7164 [1] 2/20	affect [1] 39/17
2010 [5] 1/9 38/15 66/6 66/10 129/16	720 [1] 79/2	afford [1] 115/6
2012 [1] 84/12	7:48 [1] 128/9	after [3] 19/15 44/5 127/3
2013 [1] 129/21	8	again [41] 6/12 6/16 6/17 7/21 10/8 12/4
21 [1] 90/13	80 [1] 33/8	15/18 19/21 20/4 22/3 24/7 25/1 27/17 30/4
21014 [3] 1/12 2/5 2/14	853 [1] 2/13	34/8 37/6 41/6 43/5 43/6 49/8 51/3 53/13
21046 [1] 2/21	9	59/1 63/16 81/8 82/3 83/17 86/6 86/13
22 [1] 78/12	9,000-square-foot [2] 94/15 96/4	94/19 99/2 101/20 102/17 103/14 108/19
22-foot [1] 111/9	900 [1] 123/21	113/17 117/8 119/8 121/7 123/11 128/6
220 [1] 1/11	A	against [4] 63/11 67/18 126/12 126/13
230 [1] 2/20	A.P.F [1] 21/10	age [4] 100/3 100/4 109/3 109/12
24 [1] 108/15	abiding [1] 65/19	Agnes [1] 28/4
24-foot [2] 95/7 111/7	ability [3] 54/3 69/2 98/20	ago [9] 28/5 38/16 47/4 58/3 73/1 73/11
24-foot-wide [1] 111/11	able [10] 6/17 9/5 18/7 30/15 30/16 44/15	76/3 88/18 110/17
249 [4] 16/6 16/8 16/11 17/18	81/16 92/5 115/5 125/9	agree [2] 40/21 110/16
25 [2] 3/7 58/10	about [61] 3/7 3/10 3/21 3/21 5/14 6/6 6/19	agreed [1] 71/11
250 [1] 57/3	7/5 7/6 7/8 7/13 8/5 8/16 9/13 12/3 22/21	agreement [1] 92/5
260 [2] 70/17 71/1	26/7 26/12 28/11 28/16 29/6 29/9 31/12	agreements [1] 89/20
2600 [1] 96/13	34/18 42/2 45/1 47/4 48/13 51/19 58/3	ahead [5] 16/4 18/20 81/7 124/14 126/4
264 [3] 71/1 74/6 110/18	58/21 60/4 61/18 69/13 76/13 91/19 91/21	Air [4] 1/12 2/5 2/14 95/16
2nd [1] 1/11	92/7 92/10 92/15 92/18 97/16 97/19 98/18	ALBERT [1] 2/2
3	100/7 100/15 102/3 102/9 103/7 108/21	aligned [1] 64/12
3,000 [1] 91/4	109/3 112/11 115/12 115/13 115/16 118/21	all [74] 6/8 6/10 9/8 12/7 13/15 14/17 19/3
3.3 [2] 80/2 80/5	119/3 121/4 121/5 121/9 121/11	21/8 21/15 22/20 23/3 25/3 26/2 28/17 30/2
30 [2] 64/2 91/4	about them [1] 31/12	30/7 31/1 32/8 35/9 36/9 40/18 41/11 44/8
300 [11] 17/21 32/11 45/6 45/8 56/18 57/2	above [1] 1/9	47/18 48/7 48/12 50/19 53/10 56/2 56/17
57/21 61/9 74/7 99/16 116/10	absolutely [2] 71/14 79/6	57/20 58/11 59/2 59/9 60/4 68/12 71/12
350 [1] 73/16	abutment [2] 28/18 28/20	71/18 72/4 72/5 72/10 73/13 73/15 77/15
3s [2] 101/2 119/4	abutments [1] 28/16	79/4 80/17 80/20 84/15 86/6 86/20 91/5
		91/5 91/18 94/2 96/21 97/3 97/19 98/8 98/9
		98/9 102/2 102/7 104/12 107/12 110/8
		114/8 116/6 119/13 119/13 120/16 122/2
		122/4 125/6 128/6
		allow [2] 26/20 115/3
		allowed [4] 32/13 60/14 60/16 76/5

<p>A</p> <p>allows [2] 67/13 116/5 almost [2] 68/20 103/14 along [6] 33/1 54/13 107/16 109/18 121/11 126/3 already [15] 4/21 26/5 30/9 38/13 39/18 52/8 55/11 59/1 60/10 60/11 63/11 78/17 114/10 125/19 126/2 also [28] 7/1 7/6 9/5 19/15 21/21 23/1 50/2 65/7 82/1 82/4 84/9 84/17 90/8 91/9 91/20 92/10 92/13 93/15 93/17 95/6 99/4 100/21 102/6 102/18 107/1 121/7 121/20 127/1 alter [2] 26/18 27/11 alternative [1] 115/4 although [1] 67/21 always [3] 12/21 56/6 86/8 am [3] 18/16 69/13 129/11 amenities [2] 92/18 99/8 amenity [1] 95/20 amount [3] 46/14 56/19 56/20 analyses [1] 7/15 analysis [3] 10/12 12/11 78/3 And in [1] 115/14 and they're [1] 60/5 and/or [2] 68/14 121/16 Ann [1] 30/13 Anne [1] 95/8 another [16] 7/3 19/16 33/8 33/11 37/18 47/4 50/21 51/1 53/17 55/7 62/7 74/13 74/15 81/15 91/11 109/16 answer [10] 9/5 25/11 60/7 61/11 72/13 100/19 102/21 103/10 113/13 125/9 anticipate [3] 57/4 96/10 116/10 anticipated [3] 7/12 19/3 117/5 anticipating [1] 53/6 any [31] 3/13 3/13 4/17 6/11 13/1 13/2 13/13 13/14 13/16 20/7 23/2 31/10 37/1 37/2 43/3 44/10 62/5 63/8 83/14 83/20 83/21 84/14 89/19 98/5 102/11 102/11 108/15 123/14 129/12 129/13 129/13 anybody [11] 10/13 34/11 41/7 43/10 48/20 56/9 69/19 76/7 78/19 79/1 120/21 anyone [2] 9/9 63/12 anything [15] 3/21 7/13 7/13 7/21 8/7 30/20 36/6 50/9 50/10 72/10 73/17 83/21 115/14 116/9 118/20 Anytime [1] 11/1 anyway [1] 26/5 apologize [1] 62/20 Appeals [2] 36/13 37/8 APPEARANCES [1] 2/1 apply [1] 32/12 appreciate [1] 35/19 approval [9] 8/2 66/7 67/3 81/21 83/6 84/18 85/20 86/3 87/14 approvals [1] 50/6 approved [5] 7/20 66/9 84/13 84/14 84/21 approximately [2] 72/21 115/18 architectural [1] 95/1 are [144] area [19] 3/8 20/20 42/20 60/10 68/21 102/17 110/1 110/2 113/9 113/10 119/11 120/4 120/4 120/17 121/11 122/2 122/7 122/15 123/21 areas [3] 68/13 103/2 122/17 aren't [2] 61/19 110/8 arguments [1] 48/13 Army [1] 27/20 around [12] 22/2 70/8 76/19 80/11 84/12 90/14 91/3 92/16 98/15 99/16 106/12 115/3 Arundel [2] 95/8 100/20 as [89] 7/4 11/3 12/4 12/4 12/4 12/5 13/18</p>	<p>13/21 18/2 23/18 27/9 27/9 36/8 36/8 37/15 42/2 42/15 43/17 46/17 46/18 47/2 50/2 50/3 50/6 50/7 50/11 50/12 50/13 50/14 53/4 53/4 53/15 54/9 54/9 55/20 55/20 57/8 58/9 58/13 61/2 62/5 62/11 62/11 63/17 64/1 65/1 66/6 66/8 66/11 67/1 68/5 68/9 76/21 76/21 81/6 86/11 86/11 90/18 91/2 91/14 92/15 94/21 95/18 98/21 99/3 99/4 100/7 100/7 100/16 100/16 103/4 103/21 105/1 110/16 110/16 114/4 114/5 115/18 117/10 119/7 120/4 122/9 122/9 122/13 122/13 122/15 122/15 127/21 129/15 ascertain [1] 79/4 aside [1] 38/9 ask [10] 6/9 13/21 31/8 41/18 52/1 52/12 52/19 55/4 56/10 87/20 asked [5] 52/8 56/9 70/10 70/10 73/16 asking [6] 13/13 13/14 53/6 54/20 64/6 83/20 aspects [1] 22/20 assessment [2] 68/1 80/13 assume [1] 54/7 assumed [1] 88/10 assurances [1] 120/18 at the [1] 106/6 Atkisson [1] 122/4 attached [3] 97/6 97/7 107/13 attention [1] 52/19 attest [1] 41/8 attorney [1] 15/3 attract [1] 99/5 attractive [2] 92/11 109/12 August [1] 129/21 average [4] 17/20 101/12 102/9 107/11 aware [3] 19/17 64/1 65/1 away [1] 67/3 awesome [1] 35/18</p> <p>B</p> <p>back [23] 6/12 29/2 30/20 33/2 34/10 37/19 40/20 42/4 42/7 46/13 46/18 56/14 60/2 64/2 68/13 74/12 84/16 88/12 88/14 96/21 117/1 126/18 127/3 bad [2] 26/5 34/18 balances [1] 87/7 ball [3] 59/10 112/20 113/3 ballpark [2] 96/16 123/18 bank [2] 86/20 87/12 banks [2] 126/14 127/2 Barbara [7] 14/13 24/21 34/8 76/11 98/3 108/18 115/9 barn [1] 124/2 base [2] 101/7 101/11 based [4] 15/18 17/16 17/17 46/14 basically [4] 7/7 110/14 110/20 127/7 bathroom [1] 78/15 battle [1] 60/10 Bay [12] 2/12 9/1 16/20 20/17 35/6 35/6 71/21 72/10 72/17 82/6 106/18 123/13 be [180] beast [1] 12/21 beautiful [2] 75/11 121/20 because [42] 4/5 4/12 5/1 6/17 8/13 8/15 12/6 20/1 20/15 24/13 26/1 26/5 34/19 35/5 35/10 44/8 45/2 45/12 48/6 50/11 51/3 51/4 55/3 56/1 57/5 60/2 60/14 67/16 70/7 73/18 75/5 78/17 78/19 84/5 88/21 92/12 93/20 99/18 105/12 106/11 121/6 122/2 become [3] 27/21 45/4 63/5 becomes [1] 75/13 been [38] 3/6 3/7 4/21 8/6 12/1 12/6 19/19 25/20 38/8 38/8 40/16 42/11 47/5 47/20 58/10 60/10 64/4 65/13 65/16 66/2 67/1</p>	<p>68/9 72/14 72/17 73/17 73/21 74/1 86/14 88/7 90/12 90/14 90/15 93/2 98/15 98/21 99/14 110/17 111/19 before [24] 15/1 19/8 34/10 43/10 44/5 44/8 46/12 48/7 52/2 56/21 59/13 66/20 70/15 87/7 87/8 101/6 103/19 105/18 115/14 116/2 116/2 116/9 117/5 129/6 began [1] 72/15 begin [1] 84/15 beginning [1] 47/1 begins [1] 44/6 behalf [2] 2/6 62/3 behind [2] 8/17 95/12 being [8] 3/4 13/21 32/5 69/5 79/21 80/2 88/4 125/7 beings [1] 11/20 Bel [4] 1/12 2/5 2/14 95/16 believe [15] 21/13 71/16 71/20 71/21 73/6 74/4 80/11 96/12 96/18 112/1 116/17 117/20 121/8 122/16 125/13 believed [1] 76/6 best [3] 43/6 82/5 84/5 bet [1] 12/16 better [11] 8/18 10/14 24/13 26/4 52/19 79/7 79/9 82/15 111/15 126/19 127/21 between [8] 33/9 54/6 62/8 62/15 63/4 64/8 64/10 64/11 big [7] 15/14 26/4 78/21 93/4 106/14 118/2 118/19 bigger [3] 74/8 102/17 120/19 bill [1] 73/13 bit [6] 3/10 9/12 9/13 31/11 51/19 56/18 blah [3] 31/2 31/2 31/2 blank [1] 11/21 blunt [1] 88/15 bluntly [1] 87/20 Board [3] 36/13 37/8 73/19 Bob [1] 8/20 Bob's [1] 8/21 bocce [2] 112/20 113/3 bonded [1] 44/10 borders [1] 68/19 both [10] 26/2 26/3 28/21 53/17 68/14 68/18 68/20 92/4 100/1 126/20 bottom [1] 121/12 Box [1] 2/13 Bratkowski [2] 56/13 96/2 break [2] 81/5 84/11 bridge [24] 10/5 11/17 19/18 21/10 21/12 22/1 22/18 26/7 26/12 26/14 26/19 27/3 27/8 27/12 28/9 28/10 28/19 29/1 29/3 29/4 29/5 29/11 45/3 126/9 bring [5] 34/20 35/8 98/9 104/7 126/18 broader [1] 105/3 Brook [2] 91/9 93/9 Brothers [15] 2/19 9/6 9/12 49/17 51/16 90/7 90/9 90/11 91/20 92/1 92/2 95/3 100/19 114/11 114/19 Brothers' [2] 49/21 51/12 brought [2] 65/5 93/1 Brown [4] 2/3 2/3 3/5 3/5 Bruce [2] 59/20 125/15 brunt [1] 4/10 buck [1] 34/19 buffer [2] 65/2 70/18 buffers [2] 74/8 74/9 build [19] 7/10 7/11 27/10 45/4 46/6 78/1 78/1 91/4 92/16 92/17 92/19 94/11 95/7 97/16 110/10 115/1 115/7 116/2 116/2 builder [11] 70/14 70/16 70/16 88/11 90/11 90/19 91/3 92/4 92/12 99/4 99/5 builders [1] 78/20 building [12] 1/11 4/16 4/17 24/12 48/15</p>
---	--	---

B	building... [7] 78/11 78/12 84/15 90/14 92/7 93/3 95/8 built [14] 28/10 29/5 56/21 57/1 59/4 74/5 78/13 78/17 84/16 91/6 93/8 102/11 110/10 119/6 bulldoze [1] 98/8 bunch [1] 52/8 bushes [1] 98/9 business [3] 6/15 70/7 90/13 but I [1] 54/15 buy [3] 80/15 99/6 99/6 buyer [1] 116/5 buying [2] 12/17 92/12 buys [1] 88/20 bypass [1] 27/8	changing [1] 114/6 channels [1] 126/5 Chapter [1] 98/17 character [1] 26/19 charge [2] 61/19 80/14 cheap [1] 126/17 cheapest [1] 101/3 cheaply [1] 99/3 check [2] 29/10 91/21 checked [3] 87/7 87/9 87/10 checks [1] 87/6 chemistry [1] 114/6 Chesapeake [1] 35/6 chicken [1] 46/12 children [2] 56/19 56/20 choices [1] 23/10 choose [1] 116/6 chopped [1] 87/5 Chris [2] 31/16 117/18 circle [3] 62/9 63/5 64/16 citizen [2] 3/12 62/5 citizens [7] 70/2 70/5 71/4 73/19 74/2 75/7 83/16 Clapping [1] 123/9 clarification [1] 60/21 clarify [2] 37/6 117/8 clarifying [1] 39/20 Clark [2] 74/6 104/2 clause [1] 5/15 client [1] 105/2 clients [1] 47/21 close [5] 50/4 106/10 106/14 121/15 121/17 closed [2] 28/17 47/20 closer [1] 67/14 closest [1] 108/15 Code [8] 59/12 65/2 67/16 71/5 71/8 71/10 106/19 126/17 collector [2] 62/11 63/7 Columbia [2] 2/20 2/21 come [16] 21/4 41/9 60/2 62/4 69/9 70/4 70/9 73/18 73/19 82/14 88/10 91/18 98/5 98/7 99/15 100/7 comes [3] 55/8 67/5 121/19 comfort [1] 9/14 comfortable [1] 119/16 coming [10] 25/4 35/1 40/5 41/21 42/3 42/6 64/9 77/1 98/18 128/6 commencing [1] 1/10 comment [4] 6/9 26/7 67/9 76/16 comments [5] 3/15 40/18 61/17 83/11 125/14 Commission [1] 129/20 commit [1] 65/18 committee [6] 81/20 82/13 82/21 83/1 83/5 83/7 common [1] 98/7 communal [1] 67/19 communities [6] 91/4 91/7 95/21 111/4 111/14 119/8 community [24] 1/8 41/21 91/10 91/11 91/12 91/13 91/19 92/8 92/10 92/16 92/17 95/3 95/4 98/13 99/5 101/1 109/9 114/6 114/9 119/2 119/8 122/9 122/13 128/8 compared [1] 103/16 comparing [1] 103/14 complete [1] 111/20 completed [2] 91/8 91/9 completely [5] 20/19 27/8 82/16 111/19 113/9 complex [1] 24/1 compliance [1] 23/9 Complicating [1] 4/7 complied [3] 47/19 83/12 83/15	complies [4] 37/20 44/17 100/12 101/19 comply [5] 8/2 13/15 45/15 46/5 103/3 complying [1] 84/2 component [1] 63/17 comprehensive [8] 58/12 70/3 70/9 72/6 72/19 73/10 73/12 110/8 concept [4] 18/5 80/3 80/5 95/5 concern [3] 20/10 55/1 125/17 concerned [2] 69/13 100/15 concerns [2] 65/4 126/10 conclusions [1] 21/20 Conference [1] 1/11 congestion [1] 114/10 connects [1] 121/14 Consequently [1] 4/4 conservative [1] 127/20 consider [2] 64/6 98/13 consideration [1] 66/10 considerations [1] 127/5 considered [2] 19/18 30/5 constituents [1] 36/15 construct [1] 23/21 constructed [1] 8/12 constructing [1] 23/20 construction [3] 44/2 44/6 67/2 consummate [1] 92/5 contact [1] 43/8 contacting [1] 61/18 continued [1] 81/6 continuous [1] 20/2 contour [1] 103/12 contours [6] 70/20 98/10 102/8 102/10 103/16 103/17 contract [6] 9/9 75/4 90/1 90/4 110/14 110/15 contrary [1] 9/8 control [1] 20/7 controllable [1] 64/15 conventional [1] 67/12 convert [1] 60/12 Cook's [1] 122/3 cooperation [1] 54/5 coordinated [1] 54/17 coordination [1] 55/6 copy [4] 35/16 36/2 71/15 71/16 corner [3] 69/7 78/12 104/9 Corps [1] 27/20 correct [12] 12/17 13/12 16/13 23/4 36/17 37/13 60/7 61/8 61/15 71/21 110/11 115/18 correcting [1] 63/3 correctly [3] 61/11 65/9 67/10 cost [1] 88/10 costs [2] 118/18 118/19 could [41] 4/2 14/5 15/9 18/11 24/15 26/20 29/3 42/21 53/10 54/19 57/3 60/5 60/6 60/11 60/18 61/2 61/10 66/1 66/17 67/19 70/21 71/19 72/13 79/6 79/11 82/15 84/20 108/10 108/11 108/15 109/1 110/10 110/15 110/19 111/9 114/8 114/11 121/6 122/8 123/7 123/11 couldn't [3] 12/5 85/2 123/10 Council [15] 26/20 27/6 35/3 36/12 37/7 37/14 37/14 37/17 43/7 61/18 62/2 62/3 73/15 76/2 76/5 Councilman [2] 22/10 35/10 counsel [3] 73/19 129/11 129/12 count [1] 102/18 counting [1] 21/16 country [2] 90/14 91/3 counts [1] 22/19 County [80] 1/10 7/18 8/1 8/8 8/9 11/13 20/21 21/5 21/6 21/11 21/11 22/8 22/9 23/18 24/8 24/9 24/12 24/13 25/6 26/15
C			
C.O.S [1] 67/11 calculate [1] 48/13 call [3] 95/14 100/2 101/7 called [4] 10/21 56/2 81/19 101/1 came [6] 39/12 58/13 70/8 71/11 90/19 90/21 Camelot [5] 32/20 33/2 33/10 53/2 100/14 CAMPBELL [4] 2/9 9/3 20/17 50/7 can [77] 6/5 6/10 7/5 7/10 7/13 10/13 14/9 21/18 23/7 23/10 23/21 24/3 27/7 27/9 27/11 28/12 36/2 36/6 37/16 40/10 40/20 41/8 42/6 43/7 44/16 48/5 49/7 49/18 49/19 50/18 50/20 52/1 52/19 53/18 55/5 56/14 56/15 57/2 57/18 58/19 58/21 62/3 64/12 64/14 64/21 65/2 77/15 78/18 80/1 80/14 81/8 84/2 84/4 84/14 86/11 86/12 89/13 93/21 96/18 98/16 99/4 100/10 100/19 101/17 103/3 106/8 106/17 110/16 111/6 111/8 111/17 113/13 115/10 117/8 120/8 120/11 127/10 can't [32] 3/20 4/11 6/14 7/5 7/10 10/13 15/11 22/1 30/20 33/13 37/13 45/3 45/4 45/12 45/21 46/5 46/6 48/1 48/15 53/20 53/20 56/18 56/19 67/21 74/3 77/17 77/19 78/1 78/1 85/12 117/6 125/21 candid [3] 12/20 78/6 83/17 cannot [4] 36/14 45/13 67/1 80/15 capacity [10] 7/8 7/9 7/11 7/12 37/15 48/12 48/15 76/17 77/16 77/20 capacity when [1] 77/16 captioned [1] 1/9 car [1] 16/13 care [5] 92/7 92/10 92/17 99/7 115/5 careful [1] 127/8 carriage [5] 95/14 97/2 100/2 109/3 115/5 cars [4] 17/21 18/1 21/16 45/12 case [10] 37/8 37/9 37/12 37/16 37/16 38/10 64/4 85/11 88/1 105/11 categories [2] 90/20 91/2 caucus [1] 39/10 Cedarday [3] 91/12 91/16 93/9 cell [2] 6/20 6/20 cemetery [1] 78/13 center [4] 42/19 42/19 64/2 122/3 certain [3] 7/11 7/12 50/7 certainly [2] 40/11 64/21 certify [3] 129/5 129/8 129/11 cetera [1] 63/10 chance [4] 58/11 58/15 86/19 126/7 change [13] 4/3 19/15 26/18 49/18 70/6 76/2 76/3 79/6 81/1 81/4 98/20 99/18 114/8 changed [8] 22/1 47/8 58/5 70/6 71/4 71/4 87/1 114/12 changes [5] 39/11 50/1 63/8 100/7 103/20			

C		
County... [60] 26/17 26/20 28/11 28/16 30/7 34/21 35/9 36/12 37/7 42/3 42/6 42/10 42/11 42/13 42/16 42/18 42/20 43/1 43/16 43/19 43/19 43/20 44/3 45/1 46/4 50/9 53/13 53/18 54/11 54/14 54/18 61/18 62/2 62/2 64/2 64/3 65/13 65/16 70/5 73/15 76/1 76/5 76/20 80/11 82/6 84/4 90/16 91/6 93/3 95/8 95/9 100/21 105/2 105/17 111/4 111/6 122/5 126/16 129/2 129/5	County's [5] 11/15 32/12 43/2 53/20 104/19	County-wide [1] 8/9
couple [8] 15/8 24/15 38/9 47/3 64/7 76/3 125/14 127/16	course [3] 20/10 74/3 126/8	court [4] 46/10 78/10 112/20 113/3
courteous [1] 7/3	cover [1] 60/18	Craig's [1] 61/19
create [2] 68/19 99/5	created [1] 86/5	creating [1] 102/16
creek [2] 68/15 127/1	crest [4] 121/15 124/6 124/9 124/20	crews [1] 43/20
criteria [1] 21/14	cross [1] 41/9	crossroads [1] 40/10
crystal [1] 59/10	curious [3] 14/14 76/15 104/5	current [5] 59/11 59/12 61/13 61/15 99/17
currently [6] 53/3 91/13 91/14 95/6 95/8 95/14	Cut [1] 126/14	cycle [1] 58/20
D		
D.A.C [1] 82/12	D.P.W [2] 37/1 69/4	DAC [2] 67/2 67/6
Dam [1] 122/4	dangerous [2] 11/6 121/18	dark [1] 121/12
date [2] 66/1 82/4	dates [1] 82/8	DAVE [3] 2/18 90/8 100/18
David [1] 61/19	day [7] 16/9 16/11 16/13 17/12 18/2 41/4 129/16	days [1] 91/17
deal [6] 11/21 13/12 22/20 25/7 26/13 78/21	dealing [1] 103/6	decided [2] 28/17 28/20
decides [1] 25/6	decision [2] 3/14 114/10	deck [1] 27/20
deed [1] 64/2	define [1] 94/20	defines [1] 62/11
definite [1] 79/6	definitely [2] 42/8 65/9	definition [1] 63/6
delay [1] 4/21	delayed [1] 5/1	Demos [2] 100/9 100/14
denser [1] 67/14	density [2] 32/9 32/10	Department [15] 21/11 37/2 40/16 40/18 40/20 43/8 61/20 61/21 63/17 82/7 83/8 83/9 83/9 83/10 104/19
depend [1] 78/18	depending [4] 41/4 66/3 96/17 97/15	depends [1] 76/17
		design [8] 5/1 8/8 10/9 11/16 56/2 56/7 126/5 127/13
		designation [1] 62/11
		designed [2] 44/3 66/11
		designs [1] 11/7
		detail [1] 95/1
		determine [2] 10/17 45/21
		determined [3] 10/11 42/11 80/10
		determines [1] 17/18
		develop [7] 11/1 48/4 53/17 81/13 87/19 98/5 115/15
		developed [3] 48/1 65/6 74/5
		developer [18] 7/16 21/9 26/20 27/7 43/17 43/18 44/3 64/7 74/5 74/13 81/12 87/11 88/5 88/11 92/3 92/6 99/3 103/4
		developer's [3] 48/10 92/9 103/4
		developers [1] 86/11
		developing [3] 54/13 86/12 90/15
		development [29] 3/9 4/10 7/20 11/4 11/18 13/15 15/21 24/3 24/6 24/7 24/8 24/10 50/2 53/4 53/7 55/6 55/21 65/7 67/11 67/13 67/15 68/4 71/6 72/15 81/20 83/4 83/6 98/6 118/8
		deviate [2] 66/16 114/19
		dialog [1] 50/11
		dictates [1] 21/6
		did [4] 29/1 41/9 65/11 120/9
		didn't [7] 14/20 30/19 71/1 72/10 73/14 73/14 73/14
		different [6] 50/15 58/3 70/14 74/5 98/7 115/4
		differently [1] 47/5
		disagree [1] 67/21
		discovered [1] 29/2
		discuss [1] 10/4
		discussion [2] 7/7 60/3
		discussions [2] 9/10 9/10
		disputing [1] 119/12
		disregard [1] 82/16
		distances [1] 126/13
		distribution [1] 19/2
		district [3] 47/20 65/3 126/12
		ditch [2] 42/19 42/19
		division [2] 2/18 22/20
		do [94] 3/20 7/1 7/5 7/5 7/8 7/13 8/1 8/7 8/14 11/14 12/2 12/10 14/7 14/14 16/3 16/6 19/16 21/4 21/15 21/15 21/15 23/10 24/13 26/11 28/21 35/11 36/6 37/17 39/4 39/4 39/5 40/13 40/13 42/3 42/3 42/18 42/21 43/6 45/17 46/1 46/1 47/2 48/6 49/12 51/3 53/20 54/4 58/14 62/3 66/6 68/13 71/13 72/1 74/2 75/6 75/10 77/7 77/12 82/5 83/14 86/12 87/15 89/19 91/5 92/4 93/19 95/1 95/10 95/18 95/20 96/10 96/14 98/11 98/20 99/3 99/13 99/15 99/21 103/3 104/19 107/8 110/15 110/16 111/5 111/5 111/8 111/13 111/15 112/15 114/5 116/1 116/9 119/9 129/5
		does [11] 16/15 20/20 40/17 45/3 45/4 63/12 87/12 95/19 97/20 116/1 118/7
		doesn't [4] 4/20 43/14 56/4 87/11
		doing [2] 3/7 58/10
		dollar [1] 92/8
		dollars [6] 78/20 80/12 89/4 97/17 119/5 119/6
		dominoes [2] 10/8 12/7
		don't [53] 4/5 4/12 5/2 7/2 8/21 12/8 25/10 26/12 29/6 40/14 45/6 46/16 48/17 49/2 51/3 51/3 51/15 53/5 53/7 53/19 54/17 55/21 56/1 56/3 57/4 57/4 57/5 57/17 57/19 58/15 60/2 63/12 74/1 86/17 87/17 88/14 96/15 102/10 102/20 103/9 108/10 112/17
		113/13 113/14 115/5 116/4 117/2 122/16 125/14 125/16 126/3 126/17 127/7
		done [21] 7/16 10/12 11/7 11/11 11/21 13/11 25/7 25/20 37/20 42/7 43/20 44/5 44/7 46/5 50/19 51/1 75/7 76/4 88/18 98/21 113/8
		door [1] 54/14
		down [22] 6/8 6/11 10/5 27/3 40/12 41/7 51/4 56/20 61/21 64/9 69/9 69/16 70/11 87/14 99/16 104/7 107/20 121/13 122/3 124/21 126/8 127/11
		downhill [1] 69/12
		Dr [1] 29/21
		Dr. [1] 122/3
		Dr. Cook's [1] 122/3
		draw [1] 122/9
		dribble [1] 127/11
		drinking [1] 127/1
		drive [6] 2/20 32/20 59/21 95/2 100/14 125/21
		driveway [1] 41/5
		drop [2] 102/4 102/9
		dropped [1] 27/20
		ducking [1] 43/5
		DUDLEY [5] 2/9 9/3 20/17 41/19 50/7
		Dudleys [1] 31/9
		due [1] 84/11
		dumping [1] 68/20
		dwelling [3] 32/11 32/14 97/13
		dwellings [1] 58/6
		E
		E-L-D-R-I-N-G-H-O-F-F [1] 40/3
		e-mail [4] 18/7 35/16 36/3 39/12
		e-mails [3] 35/5 35/12 36/9
		E.P.A [2] 37/4 37/5
		each [9] 22/19 24/6 40/6 40/9 53/11 102/9 103/18 108/2 108/16
		earlier [4] 17/2 19/18 23/2 76/13
		early [7] 4/1 4/6 13/3 59/14 59/15 59/16 103/8
		easement [1] 42/16
		easements [1] 27/9
		economics [1] 87/13
		economy [4] 116/11 116/13 119/7 120/19
		economy's [1] 116/17
		edge [3] 106/9 106/10 124/2
		effect [4] 118/7 118/14 120/1 120/19
		egg [1] 46/12
		eight [4] 58/12 58/20 117/7 123/21
		eight-year [1] 58/20
		eighth [1] 90/16
		Eileen [2] 79/2 114/2
		either [3] 43/2 62/12 82/6
		Eldringhoff [3] 40/2 49/10 77/13
		elected [1] 4/1
		elects [2] 21/11 21/12
		Element [1] 62/7
		elementary [3] 46/17 76/19 86/13
		Elizabeth [1] 28/8
		Elroy [7] 14/13 24/21 34/8 76/11 98/3 108/18 115/9
		else [11] 34/11 35/2 43/10 48/20 69/19 72/10 76/7 78/19 79/1 121/1 121/8
		Emmorton's [1] 77/8
		emphasis [1] 94/20
		empirical [1] 21/19
		employ [1] 46/3
		employee [1] 129/12
		encourage [1] 67/17
		end [9] 10/5 31/18 35/4 35/14 55/2 55/14 69/10 86/12 92/7
		ends [1] 64/20

E	engineer [14] 7/16 7/17 10/4 10/12 11/14 11/15 12/3 17/16 20/18 20/20 21/4 21/14 72/14 72/18 engineering [5] 8/1 87/16 88/19 102/21 103/9 engineering-wise [1] 102/21 engineers [8] 3/16 4/21 9/2 11/8 11/16 22/18 27/20 46/3 enhancing [1] 89/8 enough [3] 102/21 114/9 127/9 ENSOR [7] 2/10 9/3 16/20 18/21 106/18 123/5 123/12 enter [1] 43/2 enters [1] 64/8 entirely [1] 74/21 entrance [1] 126/20 entranceways [1] 41/21 environmental [4] 37/19 65/4 122/3 126/4 envision [4] 95/18 99/13 99/16 109/11 envisioned [1] 111/11 envisioning [2] 109/4 109/8 equals [1] 123/16 equation [5] 17/13 17/15 18/5 18/6 18/10 equity [1] 118/17 Eric [1] 110/6 especially [1] 122/17 ESQUIRE [1] 2/2 essence [1] 88/13 estate [6] 3/8 91/8 91/9 91/12 93/7 93/8 et [1] 63/10 even [3] 6/15 55/2 86/13 evening [7] 3/3 3/4 3/11 3/12 9/7 90/6 90/8 every [6] 15/21 34/20 53/12 92/8 103/14 111/9 everybody [8] 6/6 18/18 35/1 46/11 78/19 80/4 84/5 122/21 everybody's [3] 13/7 13/8 35/5 everything [9] 59/3 76/4 81/14 81/14 82/16 98/8 98/9 102/19 124/21 exact [2] 29/4 50/14 exactly [3] 12/8 12/14 55/19 example [2] 47/19 57/9 exceed [1] 17/18 exceeds [1] 16/6 except [2] 4/21 107/13 exception [1] 83/21 exceptions [2] 13/15 47/2 excuse [10] 4/15 5/5 5/7 9/19 66/3 80/18 81/3 90/2 107/19 124/13 Executive [1] 62/1 EXEMPTION [1] 1/2 exhibit [1] 32/4 exist [1] 103/7 existing [4] 8/16 13/16 48/5 118/8 expect [2] 53/11 99/18 expensive [2] 87/15 97/12 experience [1] 86/14 expires [4] 85/3 85/6 85/8 129/20 explain [1] 11/21 extra [1] 25/4 extremely [1] 125/19 eyelash [1] 69/5	Factory [37] 10/1 14/14 15/7 25/1 25/3 25/4 30/5 30/14 31/17 32/5 34/15 40/4 40/12 41/7 42/1 42/1 42/4 42/16 43/12 53/10 60/9 60/11 62/20 63/4 64/9 64/10 76/12 79/3 82/11 98/4 99/12 100/1 104/7 108/19 110/7 117/19 117/21 failed [2] 73/13 74/1 failing [1] 8/13 fails [2] 10/15 10/16 fair [1] 20/16 fall [5] 12/8 54/18 65/17 102/3 103/18 Fallston [2] 47/20 87/1 families [2] 67/20 68/8 family [17] 17/20 50/16 58/6 58/8 60/6 60/12 68/5 91/11 94/15 97/13 99/21 106/8 107/10 108/6 110/9 114/9 115/6 fan [1] 19/3 far [5] 63/10 67/3 76/21 87/14 100/16 farm [3] 91/7 91/9 118/1 Farms [2] 93/9 93/9 features [1] 116/7 fed [2] 68/14 127/1 Federal [2] 26/16 26/17 fee [8] 23/6 23/19 24/10 24/12 79/20 79/21 80/5 80/7 feed [1] 121/13 feedback [3] 44/21 45/4 45/10 feel [3] 37/17 114/4 114/5 feet [11] 42/1 64/8 96/13 102/3 108/12 108/14 108/15 108/17 123/18 123/20 123/21 few [4] 60/1 69/9 120/21 126/15 field [1] 24/6 fields [3] 23/12 24/1 122/13 fifty [1] 80/11 fight [1] 58/21 fill [1] 36/2 final [3] 10/9 42/18 81/14 finalize [1] 4/11 finally [1] 38/14 financially [1] 118/15 find [2] 22/13 119/10 fine [1] 126/3 finish [4] 6/3 18/12 71/19 95/2 Fire [1] 83/8 firm [1] 3/7 first [12] 48/7 52/19 58/11 59/4 60/4 86/20 90/19 91/1 91/7 105/13 105/17 111/20 fit [5] 93/10 93/15 93/17 117/10 117/12 five [8] 6/14 41/4 47/21 73/11 74/8 88/18 90/20 91/6 fix [1] 11/8 flatten [1] 98/8 flavor [1] 95/9 flood [3] 126/13 127/7 127/14 flooding [1] 126/7 floor [2] 1/11 116/6 flushing [1] 127/11 fly [1] 30/6 folks [4] 31/11 100/4 114/21 115/4 follow [3] 43/12 46/12 84/8 follow-up [1] 84/8 follows [1] 81/6 foot [27] 42/2 42/9 62/12 64/2 93/11 93/18 94/4 94/5 94/10 94/12 94/15 95/7 96/4 102/9 103/16 103/17 107/12 107/18 108/2 108/3 108/7 108/8 108/11 111/7 111/8 111/9 111/11 footage [2] 96/10 97/4 for road [1] 56/7 forget [1] 68/19 forgive [1] 88/8 form [1] 41/9	forms [1] 122/2 formula [1] 17/15 forth [1] 46/17 Fortune [1] 90/18 forward [1] 86/4 Foundation [2] 35/6 35/7 four [8] 30/2 40/10 41/10 64/15 103/13 111/9 112/2 117/6 four-way [3] 40/10 41/10 64/15 frame [1] 53/3 free [1] 37/17 Frey [1] 114/3 front [1] 76/18 frustration [1] 45/18 Frye [1] 79/2 full [1] 4/10 funded [2] 21/9 43/20 funds [1] 26/18 further [2] 129/8 129/11 furthest [1] 9/11 future [2] 43/4 122/6 futurely [1] 65/6
G	G-O-M-E-R-I-N-G-E-R [1] 10/1 games [1] 13/2 Gateway [1] 2/20 gather [1] 68/8 gave [2] 60/7 101/6 gazebo [2] 112/19 113/2 gazebos [1] 122/13 generalized [1] 18/4 generally [3] 55/8 87/3 107/11 generates [1] 50/14 generation [1] 50/15 gentleman [1] 46/8 gently [1] 51/2 George [2] 34/14 41/19 George's [1] 100/21 Georgia [1] 55/14 get [52] 4/2 6/5 6/8 6/10 6/12 6/16 9/13 21/19 27/9 29/3 35/4 35/8 35/12 36/8 37/20 40/15 41/5 41/5 41/5 41/6 43/6 48/15 50/9 50/13 50/17 50/18 50/18 50/20 54/17 58/5 60/6 69/4 69/8 70/15 73/14 81/13 82/6 86/2 86/10 86/18 87/5 87/15 87/16 89/5 99/13 111/5 119/9 119/21 120/9 125/20 125/20 126/6 getting [7] 20/14 20/15 34/21 50/4 54/12 89/4 92/8 Gischel [2] 46/9 48/3 give [20] 3/15 6/10 6/16 9/3 9/4 21/14 21/19 35/16 36/1 46/3 78/16 79/5 83/10 88/20 95/9 106/8 118/12 118/12 127/4 128/3 given [5] 50/6 50/6 74/3 74/4 85/21 giving [1] 78/6 glad [2] 90/8 118/6 gladly [3] 71/17 72/14 82/7 Glenn [1] 32/19 gnat's [1] 69/5 go [34] 16/4 18/20 24/3 34/10 37/5 39/19 48/7 51/2 56/3 56/4 63/14 65/2 70/6 72/9 72/18 77/6 77/21 78/5 80/12 81/7 87/13 94/19 99/19 100/7 103/21 105/8 111/3 111/13 116/7 120/7 120/14 124/14 126/4 126/8 goal [1] 53/20 goes [15] 40/12 46/13 50/12 50/12 55/6 55/7 59/3 69/12 75/12 77/16 77/21 84/16 86/3 96/3 127/2 going [116] 3/14 4/4 4/9 4/13 6/17 9/12 10/10 11/5 11/6 11/18 12/2 12/9 13/18 13/19 21/15 23/2 23/5 25/6 25/12 25/14		
F	face [1] 28/12 Facilities [7] 7/18 11/1 44/9 45/16 47/17 76/2 76/14 facility [1] 24/12 fact [3] 4/7 99/21 100/1 factor [3] 16/12 18/3 92/2 factors [1] 57/11		

G	going... [96] 30/6 32/4 33/9 33/20 34/17 35/8 38/13 38/14 41/7 42/8 42/8 42/17 43/2 45/7 46/1 46/1 46/15 48/11 48/12 49/18 50/1 50/4 50/10 55/2 56/1 57/6 57/7 57/19 58/16 59/4 63/20 66/15 69/9 69/10 69/11 71/3 72/9 74/4 75/6 75/10 75/21 78/4 78/14 79/5 81/12 81/15 81/16 81/17 83/19 86/20 87/3 88/20 88/21 89/4 90/16 92/4 92/6 92/10 92/12 94/15 94/20 96/19 97/4 97/13 98/7 99/14 99/16 99/18 99/19 100/6 100/7 102/12 102/13 103/2 103/6 103/13 103/20 103/21 104/6 104/6 104/8 104/9 107/12 109/2 109/7 115/3 115/14 116/10 117/3 117/4 117/9 118/15 119/3 120/17 121/17 126/1 golden [1] 122/1 Gomeringer [3] 9/21 27/18 105/16 good [8] 3/3 56/6 59/5 65/11 85/21 90/6 103/9 118/6 got [27] 12/13 13/8 15/14 15/17 17/10 21/4 27/15 28/16 30/7 40/5 49/14 69/7 72/5 73/13 73/17 78/16 78/20 86/6 86/21 87/1 95/13 99/21 102/5 113/18 115/16 122/14 122/19 Goudreau [2] 121/3 124/15 Government [1] 87/10 grade [1] 102/12 grades [3] 103/6 103/7 121/10 grading [2] 44/10 98/20 grandfather [2] 5/15 84/19 grandfathered [2] 66/8 86/4 Grau [1] 78/9 great [7] 26/4 30/9 36/10 41/9 56/2 84/3 122/14 greater [1] 119/6 Green [4] 91/11 93/16 94/3 101/10 greenway [1] 122/2 ground [2] 6/6 84/11 group [3] 34/16 83/7 109/3 guarantees [1] 120/18 guess [8] 25/10 47/15 48/2 48/3 58/21 69/12 78/16 81/17 guessing [1] 112/18 guide [1] 106/9 Gunpowder [1] 122/15 Gus [1] 100/14 guy [2] 54/13 55/8 guys [2] 34/17 42/3	hard [2] 101/18 125/13 Harford [19] 1/10 64/1 76/20 80/10 90/16 91/6 91/11 93/3 93/16 94/3 101/9 104/18 105/2 105/17 111/4 111/6 126/16 129/2 129/5 has [46] 3/7 4/8 8/10 8/12 8/14 8/15 10/7 10/12 12/7 15/21 17/19 19/4 19/19 24/1 24/1 24/1 24/2 25/21 27/21 40/16 43/1 43/18 46/4 47/18 50/20 54/11 63/7 63/14 64/4 65/12 65/12 65/16 67/1 70/6 71/4 72/17 80/4 82/13 86/14 86/14 88/7 95/6 98/21 111/18 112/19 113/1 Haslbeck [1] 32/19 hasn't [4] 25/19 42/11 56/9 69/19 hat [1] 103/4 have [179] have all [1] 71/18 have to [1] 106/2 haven't [2] 25/20 113/17 having [1] 62/12 he [1] 16/15 head [4] 78/11 87/5 110/12 112/18 Health [2] 37/3 83/9 hear [13] 4/4 30/19 30/20 56/14 56/15 77/17 77/19 79/11 79/12 85/13 89/13 101/18 123/11 heard [4] 9/9 61/17 79/12 98/14 hearing [4] 3/13 13/18 58/20 83/18 heavily [2] 70/2 70/3 heavy [1] 69/8 held [2] 1/8 4/16 Helen [1] 99/11 hello [1] 51/18 help [6] 36/6 40/11 41/10 72/13 104/11 119/10 helpful [2] 26/12 27/14 her [4] 6/12 6/15 28/12 81/4 here [59] 3/4 3/6 6/7 8/19 8/20 9/6 9/18 10/4 13/21 18/1 22/3 24/18 28/9 30/20 31/9 32/4 32/4 32/5 32/21 34/3 35/2 40/16 41/7 41/8 43/5 44/8 44/21 50/9 53/18 53/19 53/19 54/14 54/19 61/19 62/4 62/6 63/9 63/12 63/16 67/11 70/8 75/11 81/12 81/18 89/14 90/8 90/16 92/6 92/7 95/11 95/18 96/20 99/6 109/19 114/4 117/10 122/21 124/4 125/7 here's [1] 104/20 hereby [1] 129/5 herein [1] 129/7 Hicks [1] 28/8 high [2] 119/4 120/4 highly [1] 57/15 Highway [1] 37/2 hill [3] 121/15 124/7 124/21 him [1] 18/12 hire [1] 11/13 hiring [1] 12/3 his [5] 55/9 61/11 61/20 87/11 87/12 historic [8] 26/13 26/16 27/19 27/21 29/15 29/17 45/3 122/19 historical [2] 21/21 22/17 hit [1] 11/4 hold [7] 5/6 5/9 5/18 5/20 52/3 60/2 127/2 HOLMES [2] 2/17 90/7 home [25] 17/20 17/21 90/11 90/19 91/3 91/9 91/10 92/3 93/7 93/10 93/17 94/13 94/16 95/4 97/2 98/13 104/12 104/20 104/21 106/3 107/4 108/11 116/7 120/1 120/4 homebuilder [1] 94/21 homes [45] 17/21 33/9 33/20 46/14 47/14 48/5 48/8 60/6 60/12 63/11 68/5 70/21 91/4 91/4 91/5 91/8 92/17 92/19 93/2 93/8 94/6	94/15 94/19 96/14 96/18 101/3 101/11 104/10 106/8 106/11 107/10 107/13 108/6 108/15 112/3 114/9 115/17 115/17 116/2 116/11 118/8 119/1 119/3 119/13 123/15 honest [1] 78/2 hooked [1] 105/19 hookup [1] 106/2 hope [3] 3/19 123/1 125/9 hopefully [1] 119/7 horrible [1] 50/9 house [22] 29/20 29/21 29/21 50/16 55/14 59/4 78/15 78/15 89/11 96/3 96/10 97/5 100/17 102/11 106/10 106/10 106/13 109/18 111/20 118/2 124/2 124/20 houses [38] 12/14 24/16 26/2 45/5 45/6 45/9 45/14 56/18 56/21 57/1 57/3 58/7 60/6 60/13 67/14 68/4 68/6 70/8 98/10 100/16 102/17 104/8 109/1 109/2 109/8 109/18 110/9 110/9 110/10 111/19 114/5 115/7 117/21 118/1 118/17 119/16 121/5 121/16 housing [4] 17/16 114/21 115/4 120/17 how [41] 6/13 8/8 11/8 12/9 12/14 13/19 19/2 26/13 27/21 32/12 44/2 48/13 63/10 65/8 74/1 76/1 76/17 78/18 79/20 92/18 93/4 93/6 101/15 102/2 102/12 102/12 102/15 106/9 106/14 106/14 111/16 111/18 112/3 112/9 112/15 113/17 115/21 116/9 117/2 121/15 121/16 however [2] 36/3 65/1 hum [10] 24/4 29/19 30/3 40/7 72/7 99/1 104/14 106/21 109/6 112/14 hundred [3] 29/5 64/7 94/12
H	had [16] 23/1 26/4 29/1 29/4 39/19 48/7 55/17 59/9 70/16 70/21 71/1 76/5 95/11 127/15 127/16 127/18 hadn't [2] 88/18 88/18 half [3] 20/14 28/9 68/11 hall [1] 61/21 hand [3] 27/7 125/11 129/15 handle [4] 36/3 101/16 102/2 102/12 hands [25] 9/15 20/20 24/19 30/11 31/14 32/17 34/12 38/4 39/21 41/16 44/12 46/7 49/3 56/11 59/18 78/7 79/15 80/16 96/1 98/1 99/9 101/13 110/4 115/8 117/15 happen [21] 10/8 12/7 13/19 13/19 15/20 49/18 50/2 55/5 55/16 57/14 58/11 58/16 58/19 59/1 76/6 77/7 78/4 83/19 86/21 93/19 107/8 happened [9] 8/21 39/12 59/1 70/16 74/6 74/6 74/7 74/8 87/1 happening [1] 63/21 happens [3] 48/10 48/19 101/8 happy [3] 30/9 113/20 128/1	help [6] 36/6 40/11 41/10 72/13 104/11 119/10 helpful [2] 26/12 27/14 her [4] 6/12 6/15 28/12 81/4 here [59] 3/4 3/6 6/7 8/19 8/20 9/6 9/18 10/4 13/21 18/1 22/3 24/18 28/9 30/20 31/9 32/4 32/4 32/5 32/21 34/3 35/2 40/16 41/7 41/8 43/5 44/8 44/21 50/9 53/18 53/19 53/19 54/14 54/19 61/19 62/4 62/6 63/9 63/12 63/16 67/11 70/8 75/11 81/12 81/18 89/14 90/8 90/16 92/6 92/7 95/11 95/18 96/20 99/6 109/19 114/4 117/10 122/21 124/4 125/7 here's [1] 104/20 hereby [1] 129/5 herein [1] 129/7 Hicks [1] 28/8 high [2] 119/4 120/4 highly [1] 57/15 Highway [1] 37/2 hill [3] 121/15 124/7 124/21 him [1] 18/12 hire [1] 11/13 hiring [1] 12/3 his [5] 55/9 61/11 61/20 87/11 87/12 historic [8] 26/13 26/16 27/19 27/21 29/15 29/17 45/3 122/19 historical [2] 21/21 22/17 hit [1] 11/4 hold [7] 5/6 5/9 5/18 5/20 52/3 60/2 127/2 HOLMES [2] 2/17 90/7 home [25] 17/20 17/21 90/11 90/19 91/3 91/9 91/10 92/3 93/7 93/10 93/17 94/13 94/16 95/4 97/2 98/13 104/12 104/20 104/21 106/3 107/4 108/11 116/7 120/1 120/4 homebuilder [1] 94/21 homes [45] 17/21 33/9 33/20 46/14 47/14 48/5 48/8 60/6 60/12 63/11 68/5 70/21 91/4 91/4 91/5 91/8 92/17 92/19 93/2 93/8 94/6	I don't [1] 57/4 I'd [9] 5/3 29/10 35/4 35/9 58/14 64/17 79/10 79/12 114/7 I'll [10] 22/11 22/13 24/17 35/12 35/15 41/18 60/1 69/14 123/12 127/3 I'm [60] 3/5 14/13 14/20 15/7 20/11 25/2 27/5 27/5 28/6 28/8 33/13 34/17 42/17 43/5 44/21 47/15 49/9 52/16 54/15 54/18 54/19 62/17 62/19 72/12 72/12 75/21 78/2 78/2 78/5 78/6 79/2 80/21 81/9 85/12 87/19 88/8 88/15 90/6 90/7 90/7 97/18 100/6 102/7 104/5 105/14 106/12 107/19 110/6 112/18 113/1 118/6 119/13 120/8 121/10 122/11 123/10 124/10 124/12 124/15 127/13 I've [19] 3/7 9/9 15/14 15/17 17/10 27/15 28/9 35/5 36/15 49/14 55/17 57/18 58/10 61/17 68/10 95/13 98/14 106/12 106/12 idea [4] 63/12 77/9 111/5 120/1 ideally [1] 48/9 illegal [1] 69/5 immediately [1] 68/21 impact [9] 4/10 4/13 7/15 10/11 10/13 11/2 11/3 12/11 82/13 impacted [1] 11/17 impervious [2] 102/16 103/1 implementation [1] 66/1 important [5] 13/11 27/6 76/1 92/2 92/15 importantly [1] 87/10 impression [1] 54/16 improbable [1] 57/15 improve [4] 44/4 45/2 45/3 45/8 improved [1] 45/13 improvement [5] 23/20 23/21 25/11 25/12 123/14 improvements [12] 3/18 7/19 10/17 21/6 21/8 26/2 43/4 43/15 43/16 43/19 50/7 57/18 improving [2] 89/10 116/18 inch [1] 123/16

<p>I</p> <p>inches [1] 123/19</p> <p>incorporate [2] 4/3 40/18</p> <p>incorrect [1] 16/14</p> <p>incredible [1] 122/8</p> <p>incredibly [1] 121/20</p> <p>indicating [6] 52/5 52/6 94/17 94/17 96/6 121/8</p> <p>individually [1] 105/2</p> <p>inexpensive [1] 100/17</p> <p>infiltration [1] 126/6</p> <p>information [2] 26/11 102/21</p> <p>infrastructure [1] 8/9</p> <p>ingress [1] 53/11</p> <p>initials [1] 8/17</p> <p>input [8] 1/8 3/12 4/2 4/4 13/21 82/1 83/16 128/8</p> <p>instantly [1] 86/12</p> <p>instead [4] 58/5 60/5 74/8 74/9</p> <p>insurance [1] 29/3</p> <p>intent [2] 68/2 109/15</p> <p>intention [1] 115/6</p> <p>interested [1] 129/14</p> <p>interrupt [1] 74/10</p> <p>interrupting [1] 20/12</p> <p>intersection [8] 10/15 11/2 11/5 19/19 20/2 20/12 30/5 69/6</p> <p>intersections [2] 11/16 21/13</p> <p>introduced [1] 17/2</p> <p>introduction [1] 9/4</p> <p>invite [3] 91/18 91/20 111/3</p> <p>involved [2] 70/2 70/3</p> <p>involving [1] 18/6</p> <p>is [294]</p> <p>is a [1] 91/12</p> <p>isn't [4] 3/12 3/13 48/11 75/11</p> <p>issue [2] 10/4 61/17</p> <p>issues [4] 34/20 35/10 36/14 57/5</p> <p>it [222]</p> <p>it'll [4] 38/1 75/14 96/15 117/5</p> <p>it's [158]</p> <p>it's too [1] 46/14</p> <p>item [1] 62/7</p> <p>items [1] 44/8</p> <p>its [6] 11/15 42/13 53/21 53/21 100/4 127/2</p> <p>itself [1] 126/21</p>	<p>kind [14] 3/13 12/9 24/2 38/9 46/11 50/11 54/18 78/5 84/6 86/18 87/4 100/4 102/12 119/21</p> <p>kinds [3] 48/12 54/17 57/5</p> <p>Kliest [6] 15/7 30/4 43/11 52/21 82/10 110/6</p> <p>Knightswood [1] 78/9</p> <p>know [80] 4/5 4/12 5/2 5/4 6/13 8/19 8/21 12/1 12/8 12/8 14/17 17/11 25/10 26/12 29/6 38/9 38/10 38/13 38/20 39/3 39/4 41/3 46/14 46/15 46/16 46/21 47/3 47/15 48/3 48/4 48/8 50/11 50/15 53/5 53/5 53/7 55/16 56/20 59/6 63/17 66/13 66/19 67/1 72/4 73/4 74/1 74/2 74/11 74/20 77/7 78/18 78/21 81/16 83/17 84/1 86/8 90/12 93/19 96/15 97/15 98/6 106/11 107/8 111/6 111/10 112/15 112/17 113/14 114/7 115/2 115/16 116/21 117/2 119/4 119/13 119/14 119/21 122/11 122/18 127/12</p> <p>knowing [1] 42/2</p> <p>known [2] 4/11 91/2</p> <p>knows [1] 110/19</p>	<p>like [47] 3/9 3/17 5/4 11/21 13/1 21/3 23/21 31/2 31/4 34/19 34/19 35/4 35/9 38/16 41/20 45/6 45/10 50/5 50/14 50/20 69/8 79/10 79/11 81/16 83/21 84/2 87/19 89/10 92/11 94/17 94/17 95/15 99/21 100/1 103/11 103/15 106/9 109/4 109/8 113/9 114/7 120/19 122/2 122/21 126/5 126/14 127/3</p> <p>likelihood [1] 60/8</p> <p>likely [1] 59/1</p> <p>limit [2] 123/8 123/14</p> <p>limiting [1] 98/19</p> <p>line [13] 6/19 42/19 42/19 55/9 55/12 64/3 81/15 84/3 107/13 107/17 107/21 108/3 123/15</p> <p>lined [1] 40/15</p> <p>lines [2] 103/13 103/13</p> <p>Lisa [5] 15/6 30/4 43/11 52/21 82/10</p> <p>list [2] 48/8 110/8</p> <p>listen [2] 62/3 75/9</p> <p>listening [1] 36/15</p> <p>literally [2] 39/9 39/11</p> <p>little [13] 3/10 9/12 9/13 31/11 51/19 56/18 58/3 93/21 94/18 94/19 112/18 126/19 127/20</p> <p>littler [1] 94/18</p> <p>live [6] 24/2 40/3 117/20 119/15 125/3 125/4</p> <p>lived [2] 28/9 55/13</p> <p>lives [1] 41/8</p> <p>local [1] 82/5</p> <p>located [3] 8/5 8/6 8/6</p> <p>location [3] 8/14 8/15 69/3</p> <p>long [10] 11/6 27/9 36/8 54/9 67/3 105/18 111/16 111/18 116/1 116/9</p> <p>longer [2] 117/3 117/5</p> <p>look [13] 12/3 21/12 50/5 50/9 64/21 65/6 65/10 71/17 92/10 103/12 104/21 105/1 116/21</p> <p>looked [3] 65/13 65/16 68/10</p> <p>looking [12] 49/17 55/2 71/20 102/7 102/8 102/10 103/5 104/20 106/6 114/19 115/14 116/9</p> <p>looks [6] 11/21 41/20 95/15 103/15 103/16 105/2</p> <p>looks like [1] 103/15</p> <p>loop [1] 45/11</p> <p>loopholes [1] 20/15</p> <p>lose [1] 87/11</p> <p>lost [1] 48/14</p> <p>lot [39] 12/20 18/19 19/1 50/1 65/3 67/19 68/6 68/15 79/12 85/10 85/14 85/16 87/15 87/16 92/7 92/18 93/6 93/17 93/20 94/5 94/20 96/4 97/4 98/15 98/15 99/7 100/15 102/18 103/5 103/12 103/14 103/17 103/17 103/18 103/20 107/13 116/2 120/18 122/19</p> <p>lots [20] 17/17 67/14 86/5 92/18 93/11 94/4 94/10 94/11 94/11 94/16 94/19 95/2 98/6 100/6 102/7 102/10 106/19 117/10 117/12 123/15</p> <p>louder [3] 31/8 45/19 83/2</p> <p>loudly [1] 15/13</p> <p>love [3] 20/19 79/12 118/4</p> <p>lovely [2] 75/6 75/12</p> <p>low [1] 101/12</p> <p>luxury [9] 91/3 94/21 95/4 98/13 115/2 117/9 117/11 119/18 119/20</p> <p>Lynch's [1] 29/21</p>
<p>J</p> <p>Jay [3] 3/4 17/2 58/14</p> <p>Jerry [2] 56/13 96/2</p> <p>join [1] 55/18</p> <p>Judd [3] 1/21 129/4 129/18</p> <p>judicial [1] 37/15</p> <p>just [79] 3/14 4/8 5/3 5/7 5/18 5/19 6/5 6/17 8/19 9/13 13/3 14/3 14/14 15/12 15/18 17/10 18/12 18/17 18/18 20/2 27/10 27/12 30/18 33/4 33/6 34/16 35/8 35/9 37/6 38/8 39/9 39/11 39/15 39/20 47/15 48/21 49/2 50/9 53/15 54/18 57/17 62/8 68/17 76/3 76/8 76/15 78/6 78/11 78/20 80/19 81/11 82/14 83/14 84/1 84/14 90/20 90/21 92/3 92/3 92/8 99/3 101/17 103/11 106/6 109/2 109/8 110/19 115/12 118/11 119/14 119/21 119/21 120/9 121/2 121/6 121/9 121/14 122/11 122/12</p>	<p>L</p> <p>LaBarr [4] 17/8 26/10 36/11 70/1</p> <p>lack [1] 55/6</p> <p>lady [1] 50/14</p> <p>laid [1] 64/19</p> <p>Lancelot [1] 81/10</p> <p>land [8] 2/12 3/8 16/20 20/18 70/20 80/13 93/6 98/10</p> <p>landscaping [1] 94/2</p> <p>lane [5] 10/5 62/10 63/6 81/10 126/8</p> <p>large [2] 94/11 101/1</p> <p>larger [6] 23/21 96/15 106/11 108/10 112/19 115/6</p> <p>last [7] 12/14 39/10 70/3 70/4 74/2 79/17 90/17</p> <p>late [5] 25/7 28/10 29/7 29/9 59/15</p> <p>later [7] 6/13 6/14 50/10 55/7 55/9 60/2 128/4</p> <p>Laughter [13] 13/4 31/3 36/18 51/8 59/8 79/8 89/16 113/5 114/1 118/5 119/19 120/15 127/6</p> <p>law [15] 3/8 7/7 7/9 7/10 8/2 10/21 38/15 38/19 39/1 45/16 46/5 65/20 76/3 84/2 87/1</p> <p>lawn [1] 25/7</p> <p>lawns [1] 26/3</p> <p>laws [1] 10/15</p> <p>lawyer [2] 3/5 3/16</p> <p>layout [2] 68/10 125/17</p> <p>League [1] 39/11</p> <p>learn [2] 91/19 91/21</p> <p>least [2] 53/11 97/12</p> <p>Lee [2] 44/14 101/19</p> <p>left [3] 91/10 113/19 122/7</p> <p>Legacy [4] 34/1 34/3 52/10 53/1</p> <p>legislation [4] 7/19 71/3 71/12 75/12</p> <p>legislative [1] 39/10</p> <p>lend [1] 86/20</p> <p>less [5] 24/16 68/10 81/15 88/20 123/1</p> <p>let [16] 5/17 6/1 6/3 6/3 8/19 18/12 22/13 24/17 39/19 46/8 51/15 52/3 52/9 52/12 71/19 87/20</p> <p>let you [1] 52/12</p> <p>let's [6] 7/3 46/8 56/17 75/17 127/19 127/19</p> <p>level [2] 9/14 10/19</p> <p>lie [1] 75/21</p> <p>lieu [8] 23/6 23/19 24/10 24/12 79/20 79/21 80/5 80/8</p> <p>lifted [3] 28/19 86/11 87/8</p> <p>light [1] 11/6</p> <p>lights [1] 24/1</p>	<p>M</p> <p>M.D.E [2] 68/17 98/17</p> <p>Ma [1] 122/18</p> <p>Ma and [1] 122/18</p>
<p>K</p> <p>Kate [1] 124/15</p> <p>keep [3] 6/18 99/16 122/15</p> <p>keeping [1] 122/12</p> <p>Kennedy [1] 81/9</p> <p>kept [1] 122/9</p> <p>kids [3] 24/2 46/15 68/7</p>		

IV1	meeting [15] 1/8 3/12 3/20 4/1 34/19 35/2 47/3 49/20 74/16 81/15 81/17 83/15 99/19 127/4 128/8 meetings [4] 12/1 13/1 105/13 105/18 melt [1] 125/21 mentioned [9] 7/4 19/18 23/1 50/8 61/2 67/10 76/13 106/13 121/9 Michael [1] 121/3 mid [5] 96/19 97/13 101/8 101/10 101/12 middle [1] 126/1 might [12] 12/2 26/11 26/12 43/18 50/11 51/7 52/18 63/8 65/6 74/12 121/5 122/6 Mill [2] 44/19 102/1 Miller's [1] 29/21 million [2] 78/20 89/4 Mills [1] 100/20 Millwood [1] 59/20 mind [2] 97/9 122/12 minimum [3] 108/8 108/9 119/4 minute [2] 5/8 85/17 minutes [2] 6/14 41/4 miscommunication [1] 55/3 misinformation [2] 12/20 37/7 misleading [1] 93/21 misunderstood [1] 108/20 Mitch [5] 9/3 16/20 106/18 123/5 123/12 MITCHELL [1] 2/10 mitigate [1] 11/3 mode [1] 98/7 model [2] 93/16 109/18 models [1] 91/17 moment [3] 5/19 69/17 80/19 money [10] 68/2 78/5 86/18 86/20 87/4 87/17 88/21 89/1 89/5 103/5 monies [1] 27/11 Montgomery [1] 95/9 months [2] 74/13 76/3 moratorium [9] 51/5 78/1 78/5 84/10 84/13 86/3 86/13 86/19 87/8 moratorium's [1] 86/11 more [29] 31/9 42/8 42/9 47/14 49/5 50/13 50/13 55/2 58/12 62/5 64/15 70/7 70/18 70/19 76/17 81/14 87/20 88/21 89/5 91/21 102/17 109/4 112/9 115/17 116/11 120/21 123/1 125/14 127/20 Morita [2] 59/20 125/15 Morning [2] 91/9 93/9 Morse [1] 30/13 most [5] 87/10 99/7 100/17 114/4 114/5 mostly [2] 3/8 70/10 move [2] 50/5 86/4 moved [2] 55/20 69/4 movement [1] 11/7 Mr [3] 18/20 51/12 80/18 Mr. [7] 33/1 33/5 51/15 58/17 60/7 67/10 81/13 Mr. Magness's [2] 33/1 33/5 Mr. Toll [2] 51/15 81/13 Mr. Young [3] 58/17 60/7 67/10 much [16] 26/13 70/18 70/19 74/2 76/17 79/20 93/6 102/15 106/9 110/15 117/3 117/4 120/19 122/9 125/17 128/5 multi [1] 58/8 multi-family [1] 58/8 Multiple [27] 4/18 13/5 25/17 28/2 29/12 31/6 32/15 35/20 41/1 51/9 51/20 52/14 74/17 85/4 89/17 92/20 93/13 105/20 106/4 109/20 111/1 113/6 113/11 114/13 116/15 116/19 123/3 Municipal [1] 39/11 must [1] 44/9 my [40] 3/4 11/19 12/13 15/6 17/19 25/7	42/20 43/10 47/20 50/1 59/13 40/3 41/3 44/20 55/1 55/15 58/15 58/21 60/8 66/5 68/5 69/5 70/5 70/6 70/15 71/3 75/1 78/3 78/6 78/11 79/17 81/1 103/14 103/16 112/17 118/2 125/17 126/10 129/15 129/20 myself [1] 119/15 N name [28] 3/4 5/10 5/11 5/12 5/13 6/10 6/11 6/14 6/16 9/19 14/12 15/5 15/6 16/19 17/4 17/7 26/8 27/17 33/18 34/4 34/7 49/8 68/19 81/8 105/14 120/9 120/12 124/11 named [1] 129/6 names [1] 8/17 NAOMI [1] 2/11 national [3] 29/15 90/11 91/3 natural [3] 65/3 70/18 126/12 nature [1] 12/21 near [1] 100/20 necessarily [1] 4/20 necessary [2] 68/5 114/7 need [13] 10/18 31/9 35/2 35/10 35/11 36/9 42/4 42/7 43/3 68/7 68/8 69/3 72/10 needed [1] 17/10 needs [3] 6/7 68/12 81/4 negotiated [1] 39/11 negotiations [1] 43/3 neighbor [1] 12/13 neighborhood [3] 67/20 70/5 100/5 Neither [1] 12/17 network [3] 50/8 53/21 53/21 never [4] 78/15 86/16 86/17 97/9 new [17] 29/5 37/21 38/1 59/10 62/11 65/2 65/13 65/17 66/8 66/11 66/11 70/16 71/5 71/6 76/21 86/13 98/17 newbie [1] 54/19 newspapers [1] 82/5 next [3] 54/13 58/19 83/5 nice [3] 110/20 111/7 119/14 nil [1] 58/11 nine [2] 90/20 91/2 Nineteen [2] 112/12 113/19 no [68] 4/20 5/1 10/3 10/7 16/14 19/7 23/14 23/14 23/16 25/13 25/16 26/17 27/11 27/11 33/3 33/6 38/14 43/1 43/11 43/17 47/2 51/13 53/9 53/12 54/2 54/5 58/15 60/8 60/8 63/12 66/16 66/21 67/1 70/7 71/7 71/7 71/7 71/10 71/18 73/5 75/8 77/9 78/21 81/19 82/13 82/17 82/18 82/19 82/20 83/20 85/1 85/3 85/9 86/15 86/20 87/2 97/9 97/11 97/11 98/12 105/9 105/10 105/11 106/1 112/6 112/6 113/21 120/18 nobody [1] 87/13 nobody's [1] 13/2 Nods [1] 110/12 non [1] 127/10 non-technical [1] 127/10 None [1] 73/16 normally [1] 87/18 north [8] 31/21 32/2 32/4 32/6 60/11 64/9 108/21 109/5 northern [2] 67/12 126/10 not [143] notarial [1] 129/15 Notary [2] 129/4 129/19 nothing [4] 7/8 34/18 79/6 110/21 now [43] 3/6 8/13 26/19 27/7 27/21 31/20 32/21 35/8 37/18 40/15 42/2 42/21 47/21 50/11 55/3 57/3 57/20 58/6 59/11 60/12 60/17 63/7 63/10 65/1 66/6 68/9 69/4 74/13 75/7 75/13 77/8 78/18 91/1 95/17 104/18 105/7 110/17 110/18 111/10 113/14 114/16 115/7 124/2
-----	---	---

N	48/20 53/11 55/10 57/2 57/11 58/7 59/2 62/1 66/17 102/15 103/16 108/16 110/10 125/5 126/13 other ingress [1] 53/11 others [1] 24/17 otherwise [1] 6/17 ought [1] 45/10 our [34] 3/19 11/12 20/10 20/19 20/20 20/20 21/3 21/14 22/10 25/2 35/2 35/9 36/12 52/19 55/14 55/21 81/17 90/16 91/7 93/16 95/7 95/20 101/7 104/20 105/2 109/15 111/4 111/12 114/6 114/9 115/6 118/17 119/8 120/1 ourselves [1] 94/21 out [33] 19/3 20/13 20/19 21/15 22/13 25/4 28/5 28/18 39/12 41/5 41/6 50/15 53/16 64/19 67/17 68/13 76/18 81/18 82/14 90/20 90/21 91/2 91/21 92/8 98/8 98/10 119/6 126/1 126/7 126/15 126/17 127/8 129/7 outcome [1] 129/14 outset [1] 58/9 outside [1] 9/1 over [17] 7/2 20/7 20/21 34/3 53/19 56/1 59/13 62/4 69/8 84/16 86/6 90/13 103/18 109/3 109/9 123/12 123/20 overall [2] 24/8 119/10 overflow [1] 69/11 overflows [1] 127/12 overhanging [1] 125/19 overlap [1] 64/11 overseeing [1] 90/10 own [5] 28/9 40/14 53/19 99/15 100/4 owned [2] 33/1 88/17 owner [3] 75/10 75/10 89/3 owners [4] 3/16 70/4 73/16 73/16	paying [1] 79/20 peace [1] 118/2 penny [1] 88/19 people [26] 4/5 7/2 17/11 19/2 22/19 26/4 34/11 36/2 36/19 37/2 41/7 42/21 48/20 55/20 56/2 58/21 67/17 68/3 78/4 83/8 87/19 92/11 98/15 99/6 101/8 114/5 People's [1] 73/19 per [8] 16/9 16/11 16/13 16/13 17/12 17/21 18/2 106/20 perceive [1] 42/3 perceived [1] 120/4 percent [4] 77/2 77/3 77/4 77/14 performed [1] 7/15 perhaps [1] 64/6 period [1] 86/6 permit [1] 48/16 permitted [3] 13/13 37/12 58/1 person [10] 18/15 18/18 35/3 36/12 37/7 37/14 37/14 37/17 43/7 88/20 personal [2] 34/18 68/6 Personally [1] 125/14 perspective [3] 92/9 92/15 106/7 phone [1] 6/20 phones [1] 6/20 photo [1] 97/1 pick [1] 116/5 picture [3] 32/3 32/21 95/16 pictures [5] 75/12 93/2 93/20 95/13 110/21 piece [1] 47/4 piecemeal [3] 58/13 72/18 73/18 pig [1] 110/20 pipe [1] 127/12 pipeline [2] 66/4 66/18 pipes [1] 15/15 place [9] 10/9 38/8 38/14 39/19 87/7 103/21 109/5 129/6 129/7 placed [2] 121/5 121/16 places [1] 98/7 plains [1] 126/13 plan [53] 4/11 4/14 19/5 19/10 19/12 24/9 40/17 45/6 49/16 49/17 49/18 49/21 49/21 50/21 50/21 51/11 51/12 62/7 63/14 64/4 66/7 66/9 66/18 67/2 67/5 70/19 71/15 71/20 72/18 73/3 73/7 75/6 75/18 79/19 80/3 80/5 81/21 83/6 83/11 84/13 84/14 84/18 84/21 85/20 86/2 87/14 95/5 95/5 99/17 111/10 114/15 116/6 127/19 planned [1] 12/15 planner [1] 22/17 planning [10] 22/10 36/20 61/21 72/5 73/20 82/6 82/7 87/16 101/15 102/2 plans [8] 37/19 44/1 44/2 67/1 67/2 83/10 99/14 106/12 plat [2] 86/5 102/7 play [2] 24/5 68/8 playing [2] 13/2 122/12 please [21] 6/9 6/16 6/20 7/1 9/20 14/9 15/10 26/9 33/16 34/4 52/17 71/20 83/3 85/18 89/15 100/11 101/18 111/13 115/11 119/8 120/12 plots [1] 86/10 Plumtree [3] 121/11 121/12 125/4 plus [2] 33/19 65/4 pocket [3] 70/17 74/7 95/19 point [12] 9/11 11/21 16/1 54/6 57/16 84/19 86/18 88/9 88/10 89/4 110/13 114/19 pointed [2] 50/15 53/15 pointing [4] 19/6 32/3 123/15 124/4 points [2] 35/7 60/1 poke [1] 110/20 politicians [1] 56/3 pond [3] 69/7 69/10 125/18
O	P	
O'Connell [3] 53/2 65/5 65/8 objective [1] 92/16 obviously [5] 28/4 42/21 47/13 65/4 66/9 occasioned [1] 63/9 off [8] 6/21 28/19 29/1 34/21 70/17 87/5 112/17 123/21 offer [1] 114/20 offering [2] 109/16 109/17 Office [1] 1/10 offset [2] 64/7 64/10 oh [16] 14/11 17/5 18/13 28/15 52/20 54/15 63/2 75/6 78/14 78/20 78/21 97/7 97/9 107/3 112/8 124/5 okay [82] 5/5 5/17 5/17 10/20 11/9 11/19 12/18 14/2 14/19 15/12 15/13 15/16 16/10 17/3 17/14 18/17 18/20 19/9 19/14 19/17 20/8 21/2 21/7 22/14 22/16 27/2 30/1 32/10 33/8 36/1 36/10 36/21 38/3 39/6 41/15 43/9 43/21 44/11 46/19 47/14 48/4 49/1 49/14 52/20 53/14 56/5 64/5 65/11 65/18 66/12 67/8 69/18 70/12 75/16 78/21 79/1 81/7 82/2 82/9 83/19 85/15 86/1 86/7 88/5 89/2 90/5 95/13 96/5 96/6 104/17 107/5 108/1 108/13 108/17 109/14 112/3 112/9 113/4 113/17 114/17 119/12 124/16 old [7] 6/19 26/14 29/3 37/21 70/16 118/1 119/16 older [1] 117/21 once [12] 7/21 16/2 16/5 16/5 19/21 20/4 24/7 37/6 53/13 84/13 85/20 110/15 one [45] 7/2 7/3 10/5 18/14 18/18 20/13 20/13 26/6 28/18 36/12 40/19 49/5 50/21 52/4 52/16 53/11 53/16 55/6 55/7 55/7 55/9 56/10 59/2 59/13 85/17 85/18 90/19 91/1 91/7 91/10 92/2 96/7 96/12 98/16 98/16 99/2 102/9 111/9 112/19 113/20 116/1 116/9 117/20 118/1 126/8 one-lane [2] 10/5 126/8 ones [3] 61/19 106/13 113/16 ongoing [1] 9/10 only [14] 13/10 18/12 20/13 20/14 26/19 37/14 43/15 48/5 62/2 73/3 81/17 92/6 122/7 125/17 oops [1] 78/16 open [19] 23/6 23/11 23/14 23/18 23/19 67/9 67/12 67/19 68/3 68/11 79/19 79/20 83/15 84/11 91/17 122/12 123/1 126/2 126/15 opened [2] 67/19 86/14 operate [1] 10/18 operating [1] 90/13 operations [1] 90/10 opinion [6] 58/15 60/8 68/6 69/5 71/3 75/1 opinion went [1] 75/1 opportunities [1] 122/19 opportunity [3] 3/15 122/1 122/15 option [1] 45/7 options [3] 101/8 101/9 116/6 orange [1] 26/4 order [3] 7/20 10/18 12/10 organization [1] 26/17 original [1] 105/17 originally [1] 67/16 other [28] 3/21 6/19 7/2 27/7 27/9 29/1 31/10 32/8 33/12 33/19 34/3 37/2 40/9	P-A-C-I-T-T-I [1] 6/4 p.m [2] 1/10 128/9 P.O [1] 2/13 Pa [1] 122/18 Pacitti [2] 6/2 120/14 page [1] 32/4 paid [5] 24/11 87/18 88/1 88/4 88/8 paper [2] 81/1 81/4 parcel [2] 40/14 44/20 parcels [1] 58/4 pardon [2] 34/6 54/16 park [3] 95/19 112/12 113/14 parked [1] 76/18 parking [1] 24/2 parks [4] 68/1 70/17 74/7 80/11 part [8] 8/11 24/10 24/10 24/11 25/6 108/21 109/9 126/11 participants [27] 4/18 13/5 25/17 28/2 29/12 31/6 32/15 35/20 41/1 51/9 51/20 52/14 74/17 85/4 89/17 92/20 93/13 105/20 106/4 109/20 111/1 113/6 113/11 114/13 116/15 116/19 123/3 particular [4] 40/14 70/19 78/12 119/15 particularly [2] 68/4 99/20 parties [2] 129/12 129/13 parts [1] 70/17 party [2] 107/16 107/21 pass [3] 34/19 73/14 73/15 pass-the-buck [1] 34/19 passed [5] 34/21 38/15 38/19 39/3 62/8 passive [2] 23/17 122/17 past [3] 50/8 69/9 98/21 pathway [1] 122/5 paving [3] 42/10 42/12 42/12 pay [8] 11/14 23/19 27/8 52/19 88/12 88/14 106/2 106/2	

P	88/1 89/3 89/8 89/21 90/3 99/8 102/3 102/5 102/16 109/19 118/9 118/11 122/3 122/5 122/6 125/16 127/21 proposal [5] 18/1 79/5 79/11 80/3 81/14 proposed [10] 17/17 17/17 25/5 32/10 58/6 71/1 71/2 80/5 104/13 123/14 protect [1] 78/19 protected [2] 26/15 29/15 protections [1] 26/16 provide [1] 63/14 provided [4] 24/11 63/19 80/3 99/8 providing [1] 109/11 provisions [1] 111/8 public [22] 7/18 11/1 21/12 27/11 40/17 40/19 40/21 43/8 44/9 45/16 47/17 58/20 61/20 63/17 76/2 76/14 81/21 83/9 104/15 105/8 129/4 129/19 Publicly [1] 90/17 Pump [1] 84/11 pumping [6] 8/5 8/12 8/13 69/2 69/11 127/8 pure [1] 68/16 purpose [4] 3/11 3/11 13/20 49/20 pushed [1] 38/9 pushing [1] 123/21 put [19] 17/6 28/19 29/2 29/6 32/13 43/7 48/5 53/18 53/18 54/14 67/14 67/16 78/15 86/17 98/10 119/1 126/15 127/9 127/9 putting [3] 12/15 102/18 126/20	really [20] 12/13 2/16 34/16 34/18 41/8 54/17 61/18 75/20 76/9 79/11 82/12 82/13 82/13 89/5 110/13 110/19 110/21 122/7 122/14 125/16 reason [3] 8/11 67/13 67/15 Rec [2] 68/1 80/11 recall [1] 68/9 recap [1] 56/17 recently [1] 90/17 recognize [2] 13/11 95/3 recommendations [2] 21/1 127/4 record [7] 17/7 72/14 85/10 85/14 85/15 86/4 129/10 recorded [3] 86/5 86/10 129/9 recovers [1] 119/7 recreation [1] 24/9 Red [1] 84/11 redistribute [2] 126/18 126/19 reduce [1] 45/13 reduced [2] 79/19 79/21 reference [1] 58/2 referring [1] 71/16 refined [1] 50/13 Regarding [1] 84/10 regardless [1] 84/15 regional [1] 105/1 Register [1] 29/18 regs [3] 59/10 66/11 66/11 regular [1] 109/2 regulated [1] 7/7 regulations [13] 4/9 4/11 4/12 12/7 13/16 13/17 13/20 38/2 65/17 66/8 98/18 99/20 103/3 reimbursement [1] 89/7 reject [1] 45/5 related [1] 129/13 relative [1] 97/19 relaxed [1] 76/4 released [1] 76/4 remember [3] 6/14 72/1 80/4 repaired [1] 28/20 repeat [1] 120/11 replica [1] 29/4 report [1] 62/1 Reported [1] 1/20 represent [3] 14/8 14/15 58/14 representative [1] 36/13 representatives [1] 9/6 requested [2] 13/17 73/12 requests [1] 73/18 require [4] 25/12 54/12 63/9 111/7 required [9] 7/15 11/3 11/13 16/6 23/6 46/2 68/11 106/20 107/2 requirement [2] 30/7 76/20 requirements [3] 44/9 76/15 83/14 requires [1] 64/2 research [1] 17/19 reside [1] 10/1 Residential [1] 70/7 resource [1] 126/12 resources [1] 65/3 rest [1] 57/2 restricted [2] 100/3 109/13 result [4] 11/3 31/18 50/2 50/3 results [2] 11/15 21/19 retention [1] 127/9 review [1] 83/10 reviewed [2] 21/5 46/3 rezone [1] 73/18 rezoned [1] 60/5 rezoning [11] 58/12 58/13 70/3 70/10 72/2 72/4 72/6 73/11 73/13 73/16 74/20 Richardson [2] 52/10 53/1
Q	quaint [2] 118/2 119/16 quality [2] 119/10 119/13 question [37] 6/9 8/16 11/20 14/4 27/16 37/18 40/5 41/18 41/19 43/6 43/12 52/1 52/4 52/12 54/12 54/20 55/15 56/10 58/18 59/3 59/5 60/4 61/11 63/13 70/15 72/8 72/13 76/9 79/17 84/8 102/15 103/1 114/2 115/12 118/19 121/2 125/18 questions [14] 8/5 9/5 15/8 15/17 31/10 34/11 52/19 53/6 55/4 69/21 79/12 115/21 120/21 125/10 quick [3] 14/3 34/16 76/9 quite [1] 68/5	
R	R1 [9] 32/7 60/8 70/12 70/12 72/9 75/13 93/11 93/17 94/12 R1s [1] 58/5 R2 [15] 32/6 60/9 60/11 60/15 60/16 60/20 67/11 70/10 70/12 72/9 73/12 75/13 94/14 110/1 110/2 R2s [1] 58/5 R3 [1] 72/9 raised [25] 9/15 24/19 30/11 31/14 32/17 34/12 38/4 39/21 41/16 44/12 46/7 49/3 56/11 59/18 78/7 79/15 80/16 96/1 98/1 99/9 101/13 110/4 115/8 117/15 125/11 rancher [1] 97/1 range [4] 105/3 115/15 115/18 119/4 ranked [1] 90/19 ranking [1] 90/21 rather [6] 24/5 67/17 68/1 126/6 126/20 127/11 Ray [1] 120/14 Raymond [1] 6/2 re [2] 1/1 69/2 re-site [1] 69/2 reach [1] 7/12 reaches [1] 7/11 ready [1] 29/2 real [2] 3/8 106/10 reality [2] 86/9 86/10 realize [2] 69/1 118/18	

R		
Richardson's [2] 33/21 34/2	saying [12] 27/5 27/19 28/6 30/20 42/4 42/7 45/7 57/2 105/5 117/9 117/11 122/11	signed [1] 89/19
Ridge [1] 101/1	says [7] 6/6 7/9 7/10 7/19 45/2 45/16 75/10	significantly [1] 98/19
right [67] 3/5 8/20 10/6 17/19 23/8 25/3 25/13 30/6 31/20 33/1 40/9 42/10 42/13 43/1 43/1 46/20 47/9 47/12 54/21 56/8 56/17 56/18 57/10 57/20 59/2 59/11 60/17 61/6 61/10 61/13 64/3 65/1 66/5 68/9 69/4 69/6 69/6 71/2 75/7 75/13 77/8 80/17 80/20 82/16 84/20 89/12 95/12 96/21 97/3 97/20 107/16 107/20 110/17 111/10 111/10 113/14 114/15 115/7 116/14 118/16 124/3 124/4 125/4 125/5 126/11 126/12 126/20	scale [2] 103/15 123/16	signs [1] 88/6
rights [1] 63/15	scaled [1] 70/11	silly [1] 28/21
Ring [37] 10/1 14/14 15/7 25/1 25/3 25/4 30/5 30/13 31/16 32/5 34/15 40/3 40/12 41/7 42/1 42/1 42/4 42/15 43/12 53/10 60/9 60/11 62/19 63/4 64/8 64/9 76/12 79/3 82/10 98/4 99/11 100/1 104/7 108/19 110/6 117/18 117/21	schedule [1] 66/17	similarly [1] 8/4
risk [2] 48/10 48/14	schedule-wise [1] 66/17	simultaneously [27] 4/19 13/6 25/18 28/3 29/13 31/7 32/16 35/21 41/2 51/10 51/21 52/15 74/18 85/5 89/18 92/21 93/14 105/21 106/5 109/21 111/2 113/7 113/12 114/14 116/16 116/20 123/4
river [1] 121/20	scheduled [1] 62/9	since [7] 47/5 58/21 68/10 72/15 73/17 90/20 126/2
road [64] 10/2 10/5 10/16 15/7 20/2 21/9 25/3 25/4 25/20 26/3 28/19 30/8 30/14 32/5 34/15 40/12 41/9 42/1 42/4 42/15 43/1 43/4 43/13 43/15 43/16 43/19 44/4 44/19 45/2 45/3 45/8 45/12 45/13 50/8 53/18 53/19 55/9 55/17 55/21 56/7 56/14 56/21 62/8 62/14 63/7 63/8 63/9 63/12 64/9 64/20 65/8 99/12 100/1 102/1 102/4 104/3 104/8 110/7 122/4 125/4 125/19 126/1 126/3 126/7	school [9] 7/8 7/9 7/11 46/13 46/17 47/19 48/12 86/3 86/13	Singer [1] 122/4
roads [14] 11/10 25/4 40/5 40/9 40/15 47/18 48/6 53/10 53/13 55/12 56/19 64/11 84/3 102/19	school's [1] 51/4	single [17] 17/20 50/16 58/6 60/6 60/12 68/5 91/11 94/15 97/10 97/13 99/21 106/8 107/10 108/6 110/9 114/9 115/6
roadway [3] 40/15 40/19 42/10	schools [11] 46/17 47/18 56/18 57/6 76/14 76/16 76/19 76/21 77/16 77/20 84/10	single-family [16] 17/20 50/16 58/6 60/6 60/12 68/5 91/11 94/15 97/13 99/21 106/8 107/10 108/6 110/9 114/9 115/6
Robert [2] 2/6 33/6	Schreiner [3] 34/14 38/6 41/19	sir [17] 5/11 5/21 9/16 27/17 31/15 32/18 34/13 38/2 41/17 44/13 56/12 79/16 101/17 105/15 110/5 117/16 120/8
Rogers [1] 99/11	science [4] 10/14 10/17 42/2 46/2	sister [1] 33/1
roof [1] 102/17	seal [1] 129/15	sit [2] 11/5 69/16
room [2] 1/11 76/17	second [3] 61/17 70/9 73/14	site [7] 24/11 44/10 69/2 80/6 91/20 112/4 126/4
roughly [4] 94/16 96/13 97/14 99/14	secondly [1] 79/10	sites [4] 104/12 104/20 104/21 107/4
Rowsom [2] 31/16 117/18	section [3] 60/12 68/18 125/21	sitting [1] 112/16
rule [1] 84/13	sections [2] 62/1 126/11	situation [1] 87/13
rules [9] 5/2 6/6 23/7 23/9 23/10 37/21 38/7 65/14 68/17	sediment [2] 125/20 127/9	six [4] 47/21 74/12 117/6 119/5
rumors [1] 9/8	see [15] 33/13 40/16 40/21 42/6 42/9 57/5 57/19 59/13 91/19 91/19 102/10 111/12 121/6 122/17 122/21	size [4] 93/20 97/3 106/19 111/7
run [14] 50/8 68/2 68/14 68/18 102/4 102/5 102/6 102/6 118/18 118/19 121/12 121/14 126/9 126/21	seeing [3] 33/9 98/6 117/10	sizes [1] 103/12
runoff [4] 102/13 121/19 125/20 125/20	seem [1] 45/7	slight [1] 113/15
runs [3] 68/15 107/14 107/20	seems [4] 34/19 45/10 46/11 46/11	slip [1] 66/1
Ruth [1] 78/9	seen [4] 57/18 106/12 106/13 118/2	slipped [1] 9/1
S	sell [10] 88/19 91/10 99/4 100/19 113/20 115/17 116/1 116/5 116/10 127/21	slope [2] 113/15 125/19
SADLER [3] 2/18 90/9 100/18	selling [6] 91/13 91/14 95/17 96/11 96/19 100/16	slopes [4] 68/16 103/2 113/10 126/14
safe [1] 55/11	sense [3] 5/1 45/17 119/9	sloping [1] 113/9
said [20] 12/14 15/18 31/4 38/14 47/1 52/5 52/6 55/21 56/3 58/9 58/14 65/12 75/6 96/3 103/19 105/18 110/14 115/13 115/16 120/13	sensitive [4] 68/17 68/21 70/19 70/20	small [3] 64/11 68/7 102/18
Sally [4] 17/8 26/10 36/11 70/1	septic [1] 94/11	smaller [5] 67/14 67/19 74/9 94/18 94/19
same [9] 6/6 7/14 34/10 48/20 53/3 53/6 53/17 109/19 115/18	serious [1] 35/7	smart [1] 103/6
samples [1] 102/11	serve [1] 104/21	snow [1] 125/20
Sandra [3] 1/21 129/4 129/18	service [1] 10/19	so [148]
Sandy [3] 2/6 8/20 9/1	Services [3] 2/12 16/21 20/18	soccer [4] 23/12 23/21 24/5 24/6
saved [1] 122/8	serving [1] 37/15	solace [1] 98/17
say [35] 4/5 10/15 11/8 13/11 15/1 15/4 21/4 33/18 34/17 42/17 42/18 45/11 46/1 46/13 46/18 49/7 51/18 53/18 54/14 58/10 58/14 63/7 64/17 70/5 78/20 79/10 81/8 82/16 88/9 103/11 104/20 114/18 120/9 123/11 123/19	set [4] 35/2 35/5 108/11 129/7	sold [3] 112/10 113/18 116/3
	setback [3] 107/7 107/12 108/11	some [38] 4/12 7/7 24/17 26/4 26/11 28/10 34/20 35/7 51/6 57/1 58/5 58/7 60/1 61/17 68/13 70/11 70/12 70/12 74/7 80/9 83/13 93/1 100/5 106/7 106/12 111/4 111/8 111/13 118/2 121/10 122/16 125/10 126/4 126/6 126/18 127/3 127/4 128/3
	setbacks [1] 107/1	somebody [8] 6/13 8/17 11/5 53/15 62/4 76/13 87/4 115/13
	sets [2] 106/19 107/1	someone [2] 65/5 121/8
	settling [1] 101/11	someplace [2] 68/7 68/8
	seven [3] 47/20 91/2 91/17	Somer [1] 104/7
	several [2] 15/17 55/17	Somerville [6] 56/14 62/9 62/16 63/4 104/2 104/8
	sewage [4] 69/2 69/11 104/9 127/8	something [21] 5/2 7/5 7/6 7/21 8/7 8/14 10/13 11/2 11/12 20/6 24/7 34/17 60/5 63/20 64/15 65/9 69/13 87/5 99/15 110/18 121/7
	sewer [3] 104/6 104/16 104/19	something's [1] 71/4
	shared [1] 67/20	sometimes [1] 41/3
	sharing [2] 53/10 53/13	soon [4] 12/4 12/5 55/20 86/11
	Sharlott [1] 104/2	sorry [26] 14/20 18/16 20/11 28/15 30/21 33/13 45/20 49/9 52/16 54/15 62/17 62/19 63/2 63/3 80/21 85/12 87/20 88/15 105/14 107/19 113/1 120/8 123/10 124/10 124/12 125/15
	she [5] 6/10 9/1 31/4 52/5 81/4	sort [4] 6/5 20/16 87/12 89/10
	she's [1] 6/17	sound [1] 97/20
	sheet [2] 12/13 35/16	
	Sheriff's [1] 83/8	
	Shirley [3] 40/2 49/9 77/12	
	shirt [1] 87/11	
	should [3] 31/10 43/3 64/6	
	shoulders [1] 62/10	
	show [2] 95/19 123/7	
	showed [1] 70/13	
	shown [4] 17/20 64/4 73/9 99/14	
	shows [2] 75/20 79/19	
	shut [2] 51/4 69/16	
	side [16] 28/18 28/19 31/21 32/2 32/6 32/7 33/12 34/3 34/5 40/6 62/12 65/4 107/12 108/2 123/20 125/5	
	side's [1] 20/13	
	sides [5] 26/2 26/3 28/21 29/1 100/1	
	sidewalks [2] 62/12 63/10	
	sign [3] 35/16 110/15 118/3	
	sign-in [1] 35/16	

S		
source [2] 55/15 127/1	structural [2] 96/14 101/9	that [440]
south [6] 1/11 2/4 32/6 60/9 68/18 124/21	structure [2] 26/15 26/18	that couldn't [1] 85/2
southern [3] 64/8 68/20 125/16	stub [1] 55/17	that the [1] 28/21
space [20] 23/6 23/11 23/15 23/18 23/19	students [1] 77/1	that's [81] 3/14 3/21 7/12 10/13 11/11
63/15 63/19 64/18 67/9 67/12 67/19 68/3	studied [1] 20/14	11/20 12/12 13/12 18/1 18/3 18/4 20/6 22/5
68/11 79/20 106/9 122/12 122/16 123/1	studies [2] 7/17 19/20	22/6 23/8 23/8 23/9 23/14 23/17 26/1 27/6
126/3 126/15	study [14] 11/17 11/18 15/19 16/7 19/4 19/4	27/19 27/19 28/7 35/10 35/11 36/9 36/17
spaces [1] 122/14	19/16 20/21 25/19 45/11 46/3 50/19 50/20	37/13 41/12 42/10 42/20 45/17 47/20 48/16
spade [1] 59/13	51/1	48/19 49/1 49/14 50/17 51/2 54/19 55/3
speak [7] 15/12 23/7 24/18 31/8 33/15 83/2	stuff [4] 72/5 125/21 126/5 126/14	55/10 55/15 57/6 57/6 58/15 58/21 59/16
111/14	style [2] 96/3 117/11	60/21 63/16 68/16 69/18 70/4 70/8 72/8
speaking [27] 4/18 13/5 25/17 28/2 29/12	subdivision [1] 16/5	72/10 73/3 74/14 74/19 74/19 75/15 75/16
31/6 32/15 33/14 35/20 41/1 51/9 51/20	subdivision's [1] 55/10	78/3 80/4 80/20 84/3 84/6 84/14 87/7 97/10
52/14 74/17 85/4 92/20 93/13 105/20 106/4	submit [2] 67/2 68/12	97/18 103/17 109/15 111/11 121/18 123/1
109/20 111/1 113/6 113/11 114/13 116/15	submits [2] 7/17 11/15	123/19 123/20 124/16 124/18
116/19 123/3	submitted [1] 19/4	the people [1] 92/11
special [2] 13/14 83/20	substantial [1] 4/9	the process [1] 84/7
species [2] 68/17 68/21	such [5] 11/5 42/15 63/13 67/13 117/9	their [15] 6/14 8/17 8/17 15/2 24/8 32/12
specific [3] 25/11 50/18 103/10	sudden [2] 28/17 56/2	36/3 56/3 76/17 83/10 86/12 87/5 116/5
specifically [1] 61/20	sufficient [1] 63/15	124/19 124/20
specifics [1] 128/3	suggest [2] 3/17 126/2	them [19] 28/7 30/2 31/12 34/20 52/9 53/11
speed [2] 40/11 41/6	suggestion [2] 40/20 84/3	57/2 73/17 76/18 78/16 83/13 88/12 88/14
spell [2] 6/12 49/13	suggestions [3] 83/13 83/14 84/2	89/14 96/14 103/13 116/5 126/15 127/10
spend [2] 88/21 103/5	suggests [1] 24/8	themselves [1] 27/8
spending [1] 78/5	Suite [1] 2/20	then [59] 8/9 10/11 11/7 11/18 12/8 16/6
spends [1] 89/3	summer [2] 70/4 74/2	18/2 20/14 20/15 21/5 21/18 21/19 22/6
spent [1] 88/18	support [2] 56/19 56/20	27/15 27/16 28/20 28/20 29/1 30/7 36/2
spoken [1] 69/19	supposed [5] 63/5 67/17 88/9 126/16	42/12 43/2 43/7 44/3 44/4 45/4 45/13 46/4
sprawling [2] 67/17 106/14	127/12	46/18 47/5 48/13 50/5 50/21 52/9 55/12
square [10] 93/11 93/18 94/4 94/5 94/10	sure [12] 17/12 21/17 31/13 70/20 84/1	62/3 69/14 73/17 75/7 75/12 81/17 84/14
94/15 96/4 96/9 96/13 97/4	86/21 87/21 100/6 106/12 119/14 121/6	84/21 86/3 86/7 86/9 86/10 86/10 86/12
stabilized [1] 12/5	127/13	87/5 90/20 95/10 98/10 102/18 105/7 107/7
stage [2] 19/10 81/21	surface [1] 102/16	107/15 109/2 126/7
stand [11] 6/10 14/6 14/10 15/9 15/11 30/16	switch [1] 50/21	there [110] 3/13 3/20 7/4 7/6 7/7 7/14 7/18
33/17 44/16 100/10 101/18 115/10	system [3] 8/9 20/16 65/8	8/4 8/4 8/6 8/21 8/21 9/9 9/14 10/5 10/15
standoff [1] 126/13	T	10/16 10/16 11/7 12/15 12/21 13/16 16/17
standpoint [3] 26/17 105/1 123/19	take [21] 12/3 16/3 21/19 25/6 32/11 40/20	20/12 23/2 23/10 23/12 24/3 25/16 26/3
stands [1] 66/9	42/16 46/18 64/21 68/2 86/19 88/17 98/8	26/5 27/4 27/10 31/2 32/13 33/9 37/5 37/11
start [5] 50/17 50/17 86/6 115/14 123/12	98/17 99/7 103/21 116/1 116/10 117/3	39/9 40/10 43/3 45/10 47/4 47/14 48/11
started [1] 105/13	117/4 117/5	49/21 51/11 53/16 54/8 54/11 55/5 55/10
starting [2] 101/7 101/10	taken [1] 81/5	55/11 55/17 56/1 56/14 58/7 60/8 63/20
starts [1] 116/9	takes [3] 18/14 18/18 117/7	64/7 64/18 64/18 65/7 67/1 67/13 67/15
state [22] 2/12 4/7 5/9 5/12 5/13 9/2 16/20	taking [2] 66/10 126/6	68/3 68/7 68/11 68/12 68/16 68/16 68/18
20/17 26/8 26/16 26/17 37/2 71/21 72/11	talk [7] 3/10 7/2 35/8 36/20 37/13 37/16	69/12 70/7 73/17 73/21 78/12 79/19 82/2
72/17 77/6 82/6 106/18 122/6 123/13 129/1	62/4	84/14 87/6 87/16 88/9 92/12 92/16 94/16
129/5	talked [1] 35/6	95/17 96/13 100/2 100/6 101/2 103/20
statement [1] 9/4	talking [11] 22/21 28/13 31/1 45/1 89/17	106/8 106/9 109/1 111/8 112/8 112/16
states [1] 90/14	97/19 108/20 109/3 115/16 119/3 121/11	114/7 118/3 119/2 120/18 121/10 121/13
station [7] 8/5 8/12 8/13 8/16 69/2 69/11	target [2] 100/3 109/11	126/3 126/8 126/11 127/2 127/10
127/8	taxes [3] 118/10 120/6 120/13	there's [45] 4/3 5/1 7/9 7/10 8/13 10/3
status [1] 31/19	technical [5] 82/21 83/7 83/11 83/14 127/10	10/21 11/6 12/20 17/21 22/17 22/18 22/19
stay [1] 127/3	technically [1] 60/7	22/19 23/2 23/5 25/13 30/8 33/8 33/11 47/2
stayed [1] 70/17	tell [18] 8/9 8/11 9/12 15/18 31/11 35/15	47/19 48/12 53/9 53/12 54/2 54/5 58/20
steep [9] 68/16 102/6 103/2 121/10 125/2	46/4 51/18 59/11 77/15 81/12 82/8 96/18	64/10 64/11 65/1 66/16 68/10 68/15 79/5
125/3 125/19 126/14 127/2	103/4 111/6 111/17 113/17 117/6	81/19 81/21 83/20 87/2 87/12 102/8 103/13
stenographer [1] 6/7	telling [5] 9/18 10/3 25/5 56/21 78/2	104/8 120/17 121/10
stenographically [1] 129/9	tells [1] 8/8	these [26] 10/8 12/1 30/7 47/4 78/4 93/8
step [1] 83/5	ten [4] 8/6 16/13 18/2 24/1	93/20 94/3 94/8 94/18 95/8 96/18 98/5
still [5] 4/3 29/14 47/18 91/1 103/8	tends [2] 100/3 109/11	98/17 102/9 103/12 104/9 105/13 106/10
stock [1] 120/17	Teresa [1] 38/6	106/15 109/18 110/8 113/16 114/5 115/18
stop [3] 40/10 41/10 64/15	term [1] 127/11	116/11
storm [2] 4/8 69/8	terms [6] 92/9 94/21 97/17 101/10 103/1	they [114] 8/8 9/3 9/13 10/11 11/16 12/15
stormwater [15] 12/6 37/21 50/3 59/10	119/10	12/16 12/16 20/21 21/13 21/13 21/14 21/18
59/12 65/12 65/15 69/7 69/10 98/18 99/20	than [17] 6/11 8/18 10/14 24/5 48/20 50/16	21/19 23/21 25/20 27/9 28/17 28/17 28/18
102/13 121/19 125/18 126/19	55/2 62/5 67/17 68/11 111/15 117/5 117/5	28/20 28/20 29/1 29/2 29/2 29/3 29/4 36/14
story [1] 20/14	120/19 126/6 126/20 127/11	36/14 38/8 38/14 38/15 38/20 39/5 39/7
stream [8] 68/14 103/2 121/13 121/17	thank [27] 3/3 17/1 17/9 27/13 28/14 30/18	39/8 39/9 39/19 40/17 40/21 41/9 41/21
121/18 125/5 126/14 127/1	34/9 39/20 41/15 44/18 49/11 51/14 59/17	43/19 43/20 45/5 45/11 46/4 46/13 47/8
stream-fed [2] 68/14 127/1	63/2 69/15 69/18 79/14 82/9 100/13 101/21	47/13 47/14 47/16 48/3 48/4 48/6 48/11
streams [2] 69/6 102/5	113/4 120/20 123/6 125/6 128/2 128/5	48/13 48/14 48/14 48/15 53/5 53/7 53/17
street [6] 1/12 2/4 3/6 55/14 69/9 87/17	128/6	54/3 54/18 55/8 55/11 55/21 56/3 57/12
	thanks [3] 39/6 105/4 113/21	60/11 60/18 61/18 62/4 63/10 64/12 70/10
		70/17 70/18 70/20 70/21 71/1 73/18 73/19

T	Tollgate [14] 62/8 63/1 91/13 91/16 95/11 95/16 102/4 109/5 111/18 111/21 112/1 112/7 112/13 115/17 Tollgate Village [1] 111/21 tonight [6] 8/20 13/21 49/17 49/20 125/7 128/7 too [8] 5/4 11/5 12/17 25/7 46/14 46/15 102/19 120/17 took [2] 48/14 129/6 top [1] 112/17 topography [1] 98/21 total [1] 108/14 totally [1] 114/6 totals [1] 19/1 touch [1] 43/7 town [16] 50/16 58/7 60/6 60/13 68/4 68/6 100/16 100/17 109/1 109/2 109/8 109/18 109/18 110/9 114/5 115/7 townhome [4] 95/6 95/10 111/7 117/10 townhomes [8] 95/7 100/20 106/7 108/21 111/11 115/1 115/2 117/12 townhouses [1] 60/19 traditionally [2] 42/15 42/17 traffic [39] 7/14 7/14 7/16 7/17 10/4 10/7 10/11 10/12 11/14 11/15 11/16 12/10 15/19 16/6 17/16 18/5 19/3 19/4 19/16 19/19 20/20 20/20 21/3 21/14 22/18 22/19 25/19 26/4 40/11 42/9 45/1 45/11 50/19 50/20 51/1 56/1 62/9 63/5 64/16 traffic's [1] 26/5 trail [5] 23/13 112/20 113/2 113/2 122/18 trailers [1] 76/18 trails [1] 122/16 transcript [1] 129/9 transportation [2] 53/21 62/7 trees [2] 25/7 98/9 tremendous [1] 102/14 trickier [1] 6/11 tricky [1] 3/21 trigger [2] 15/19 19/11 triggers [1] 15/19 trip [1] 50/15 trips [10] 11/4 16/6 16/8 16/9 16/11 16/13 17/12 17/18 18/2 19/2 trouble [1] 94/20 true [4] 73/8 75/16 84/17 129/10 try [8] 6/12 7/1 7/3 23/10 84/4 95/20 103/6 126/5 trying [14] 5/1 25/2 47/15 72/12 72/13 78/2 78/6 95/18 99/3 99/5 99/7 99/16 114/20 115/15 Tuesday [1] 1/9 turn [1] 6/20 turned [1] 59/13 Turner [1] 74/6 turning [1] 11/7 turns [1] 20/21 twice [1] 60/10 two [21] 12/2 17/20 25/3 38/16 39/19 53/16 62/10 63/6 64/10 69/6 69/21 72/21 85/7 85/8 85/21 86/6 95/13 102/5 108/15 112/19 115/21 two-lane [2] 62/10 63/6 two-year [1] 86/6 type [22] 18/19 44/10 50/14 58/8 67/10 93/10 93/17 94/13 95/4 95/10 95/14 95/18 95/20 98/13 98/20 111/5 112/5 115/2 115/4 116/6 118/7 119/9 types [10] 10/10 17/16 67/15 91/5 91/5 92/19 93/2 96/18 114/21 115/1 typically [4] 101/8 104/18 116/4 120/16 Tyson [2] 46/9 48/2 <th>U</th>	U
they... [30] 74/3 74/3 76/3 76/18 77/21 78/15 80/12 80/14 81/13 82/14 82/16 83/10 84/4 86/21 93/21 98/19 104/21 105/18 106/1 106/11 106/11 109/1 111/6 111/14 115/3 116/6 117/1 121/5 121/16 121/17 they'll [3] 54/4 82/7 88/12 they're [21] 4/13 7/16 9/12 10/10 25/6 25/11 25/13 38/13 38/14 58/6 60/5 83/13 88/21 89/4 101/2 101/10 115/1 115/2 115/2 115/19 122/17 they've [3] 47/8 70/9 74/1 thing [13] 3/21 6/19 7/14 13/10 18/1 27/21 36/12 43/6 60/19 62/2 82/5 95/20 98/16 things [21] 3/9 3/16 3/20 7/4 7/5 7/6 11/11 19/15 24/2 26/3 26/5 26/13 48/11 50/13 50/17 54/17 55/16 84/16 86/21 102/8 120/18 think [40] 8/14 9/1 12/2 12/3 13/10 23/17 35/11 39/12 48/11 48/17 50/4 52/18 57/17 57/19 63/12 65/5 82/15 84/12 86/9 92/14 92/15 95/2 98/17 100/15 101/2 111/9 111/10 111/14 112/8 113/13 114/4 115/3 119/2 119/9 120/20 120/20 121/21 122/14 122/21 127/20 thinking [2] 97/16 122/1 thinks [1] 24/13 this [154] those [42] 4/11 7/17 12/17 13/17 19/2 19/2 37/2 38/7 40/9 50/17 54/6 54/16 57/1 57/5 57/7 58/5 64/10 64/11 64/20 68/20 69/6 73/15 76/21 78/3 82/8 83/11 84/15 93/4 94/6 94/14 94/18 101/11 105/17 115/17 116/1 117/10 117/12 119/6 119/15 119/16 122/13 127/17 though [6] 47/16 74/20 86/13 89/20 93/20 121/5 thought [3] 18/2 27/12 34/17 thousand [1] 80/12 threatening [1] 68/14 three [7] 55/7 55/8 78/20 103/13 110/18 110/18 112/2 three-something [1] 110/18 threshold [1] 84/17 through [30] 20/15 24/11 30/6 47/10 48/7 50/5 50/12 51/2 54/18 56/4 56/4 60/10 63/14 68/15 70/11 71/3 71/11 75/2 75/12 77/16 77/21 77/21 95/2 99/19 100/8 102/5 103/13 103/14 103/21 127/2 throughway [1] 55/15 throw [2] 87/4 87/17 thrown [1] 98/15 Tim [2] 27/18 105/16 time [25] 4/3 7/2 12/14 18/15 18/18 25/5 32/11 34/20 40/14 41/4 52/17 53/3 54/6 57/16 66/14 66/21 70/9 70/13 71/2 85/18 85/18 103/8 105/18 119/6 129/7 times [1] 4/4 timing [1] 115/13 timing-wise [1] 115/13 Timothy [1] 9/21 title [1] 14/21 today [2] 103/1 109/15 today's [5] 96/19 97/17 116/11 116/12 119/5 together [3] 67/14 69/3 106/10 told [7] 12/14 12/16 18/3 25/20 35/8 50/6 110/17 Toll [20] 2/19 9/6 9/11 31/11 49/17 49/20 51/12 51/15 81/13 88/5 90/7 90/9 90/11 91/19 91/21 92/2 95/2 100/18 114/10 114/19	uh [2] 4/17 14/4 Um [11] 24/4 25/16 29/19 30/3 40/7 72/7 99/1 104/14 106/21 109/6 112/14 Um-hum [10] 24/4 29/19 30/3 40/7 72/7 99/1 104/14 106/21 109/6 112/14 under [11] 9/9 26/15 54/16 61/12 61/13 61/15 65/17 75/3 89/21 90/3 110/14 understand [12] 13/9 25/2 35/1 47/15 47/16 50/19 65/12 81/11 84/12 86/9 89/6 89/9 understanding [3] 38/7 39/16 66/5 understood [2] 36/16 109/1 unfortunately [1] 67/21 unit [1] 50/14 units [9] 10/10 10/11 12/9 32/11 32/14 32/14 58/8 70/17 74/13 Unless [1] 85/10 unobstructed [1] 122/5 until [3] 4/10 58/12 67/2 up [64] 4/16 6/10 6/12 6/16 6/18 14/6 14/10 15/9 28/7 28/9 31/1 32/4 33/15 33/17 34/20 35/2 35/5 35/8 35/12 40/12 40/15 41/7 41/13 42/17 43/12 44/16 45/18 45/21 46/12 48/15 55/2 55/9 55/12 60/2 65/5 67/20 69/10 69/16 70/21 73/13 78/13 79/19 84/3 84/8 86/12 88/9 96/21 98/10 99/15 99/16 100/10 101/18 105/19 109/1 115/10 115/14 118/3 119/5 120/7 120/14 120/17 121/14 122/15 126/12 upgrade [4] 62/10 63/6 63/14 63/15 upgraded [1] 60/9 upon [1] 66/4 upper [1] 101/2 upset [1] 28/16 upstream [1] 27/10 urban [2] 62/11 63/6 us [30] 6/10 8/8 8/10 9/18 13/20 21/19 25/20 31/8 39/5 41/11 45/18 45/21 46/4 50/10 51/6 54/6 54/12 56/21 64/2 72/1 79/5 84/4 90/12 100/9 100/15 110/21 114/4 118/12 118/15 119/15 use [5] 13/13 37/13 122/17 126/4 127/10 used [4] 18/2 26/18 27/11 57/8 uses [1] 17/16 using [3] 32/13 59/11 99/13 usually [1] 101/9 utilities [2] 8/4 47/18 utility [2] 8/9 53/21	
	V	
	Vale [2] 91/7 93/9 valid [1] 63/13 valley [1] 121/20 value [5] 80/13 89/8 118/8 119/2 119/11 values [2] 120/2 120/5 variance [2] 23/9 83/21 variances [3] 13/14 13/17 23/3 variety [1] 114/21 various [1] 110/9 vary [1] 66/1 verify [1] 21/18 very [21] 4/5 4/6 4/6 18/4 47/1 68/16 69/13 87/14 102/6 103/8 119/14 119/14 119/16 121/10 121/12 121/18 121/18 125/2 125/3 127/8 128/5 VICE [4] 2/17 2/18 90/7 90/9 Victorian [1] 26/14 Village [8] 91/13 91/16 95/11 95/16 111/19 111/21 112/1 112/7 Viola [1] 46/9 visit [5] 91/19 111/4 111/12 111/13 119/8 voted [1] 90/18	

V	7/19 8/21 9/18 10/3 10/7 10/10 10/17 11/16 12/9 15/18 15/18 16/1 18/2 18/3 21/6 22/20 25/11 27/14 28/7 30/19 31/18 31/19 31/19 32/12 33/9 35/10 35/11 35/15 36/5 36/15 38/13 38/20 39/4 42/3 42/11 42/11 42/19 44/21 46/4 46/4 47/1 48/9 48/19 50/4 55/2 57/18 57/18 59/11 66/13 66/19 70/16 71/4 72/12 74/11 74/19 76/15 76/15 76/19 76/20 76/20 77/7 78/2 79/13 79/21 80/4 80/7 81/13 82/13 82/14 86/9 88/13 92/10 93/20 95/14 95/14 95/15 96/10 97/3 97/15 97/18 98/11 100/2 100/16 101/7 101/8 104/18 107/7 110/13 110/18 111/15 111/15 112/21 115/15 118/7 118/7 118/21 120/1 120/20 what's [11] 15/19 31/18 32/8 58/4 81/16 86/8 86/9 96/9 97/4 118/14 118/14 whatever [11] 8/3 26/13 36/3 45/16 57/11 64/16 70/21 72/9 82/15 110/16 110/19 when [36] 6/7 6/8 6/13 6/15 7/10 7/11 10/8 10/9 10/15 10/16 12/2 13/11 28/13 29/2 37/14 42/9 45/11 50/17 51/17 70/4 70/8 72/16 77/16 77/21 81/13 84/15 88/10 95/2 97/15 97/16 98/5 101/18 105/12 111/20 121/18 127/12 when's [1] 59/3 whenever [1] 88/5 where [26] 8/6 8/10 10/10 12/9 25/4 35/1 42/20 53/7 55/17 58/6 62/13 64/8 66/4 69/12 81/2 81/21 83/16 84/6 96/17 104/7 106/13 111/8 121/5 124/1 125/21 127/9 whether [7] 13/18 17/18 25/20 60/4 72/9 83/18 84/15 which [47] 4/9 7/19 12/5 12/21 19/6 21/12 22/12 23/11 30/8 32/3 34/20 35/7 36/15 40/11 49/19 50/14 56/6 57/21 58/1 62/8 62/10 63/7 63/8 66/1 67/11 67/13 72/19 80/15 81/20 85/11 91/7 95/15 100/2 103/16 103/19 107/13 107/20 109/11 111/7 121/11 122/4 122/6 122/8 123/16 125/4 126/3 126/21 while [4] 4/2 28/21 58/3 68/10 Whitaker [2] 44/19 102/1 who [23] 6/6 8/20 9/13 12/17 14/7 14/14 22/6 24/2 41/7 42/21 43/7 56/9 69/19 70/16 74/5 76/5 76/5 87/11 87/19 88/20 90/9 110/18 119/15 who's [4] 8/19 8/19 33/14 54/13 whoever [2] 43/18 88/5 whole [7] 18/1 46/21 60/18 67/18 70/11 103/5 118/12 why [13] 8/5 8/15 13/1 27/6 45/17 51/2 51/15 54/19 55/3 57/21 64/12 103/19 126/3 wide [7] 8/9 42/1 42/2 94/12 111/7 111/11 114/20 widen [2] 42/4 42/21 widened [2] 11/10 25/21 widening [2] 25/14 63/9 wider [1] 62/10 wild [1] 122/16 wildlife [3] 122/5 122/8 122/20 will [68] 4/13 4/16 4/16 8/11 9/3 11/16 13/15 21/4 21/9 21/13 21/14 24/11 24/11 26/8 37/12 41/19 42/16 45/5 50/1 53/13 54/12 54/14 54/14 55/8 58/14 60/9 63/10 63/14 63/21 65/17 65/18 66/7 66/9 66/11 71/17 72/14 77/21 82/2 82/4 82/4 82/14 84/4 84/4 88/7 88/10 90/6 92/5 92/11 95/3 95/9 97/14 99/18 104/15 104/19 109/10 111/14 119/2 119/6 119/10 120/3 120/4 120/7 120/14 120/20 121/13 127/13 127/20 127/21 will probably [1] 97/14 WILLIAM [1] 2/17	willing [2] 64/5 65/10 Willow [2] 91/7 93/9 Winters [7] 68/14 68/18 102/4 102/6 121/14 126/9 126/21 wise [3] 66/17 102/21 115/13 wish [1] 48/8 wit [1] 129/2 within [4] 69/4 86/5 110/1 129/6 within-named [1] 129/6 without [2] 65/21 126/1 witness [1] 129/15 won't [2] 13/16 58/11 wonder [1] 121/21 wonderful [1] 122/13 wondering [3] 44/21 121/9 121/15 words [2] 57/2 66/17 work [8] 21/15 22/2 48/7 54/1 69/3 92/18 103/7 119/9 work-around [1] 22/2 worked [1] 71/11 works [9] 21/12 40/17 40/19 40/21 43/8 61/21 63/18 65/8 83/9 worse [3] 6/15 10/14 79/7 would [80] 3/17 3/17 3/17 6/8 7/1 8/18 18/7 19/11 20/19 22/1 22/9 27/12 30/15 32/13 35/18 40/11 41/8 41/10 41/10 43/16 44/1 44/4 44/7 44/15 46/18 57/13 58/5 58/7 58/10 59/11 59/12 59/13 62/4 63/7 63/9 68/1 68/12 78/4 79/11 82/15 85/19 91/18 93/10 93/12 93/15 93/17 94/12 94/16 95/17 96/11 98/12 101/2 102/15 105/8 105/18 106/2 106/14 108/8 109/10 110/17 111/3 112/4 113/8 114/18 114/18 115/7 115/13 115/14 117/11 117/13 117/14 117/17 120/1 121/15 121/16 121/16 121/17 122/21 126/1 126/8 wouldn't [3] 39/17 48/3 48/6 WRIGHT [1] 2/11 wrong [1] 54/19
W	Y	
wait [2] 41/4 85/17 waiting [1] 65/21 walking [5] 23/13 62/5 112/19 113/2 122/16 wall [2] 107/16 107/21 want [32] 3/10 6/9 11/20 16/3 36/3 36/19 39/5 43/11 48/4 49/2 49/12 51/3 51/3 53/17 55/21 56/1 56/10 60/2 70/6 70/6 74/11 74/20 81/13 83/17 87/4 87/11 87/17 91/21 99/6 106/6 110/16 121/7 wanted [3] 47/14 88/19 119/21 wants [3] 40/19 44/3 87/13 was [60] 1/8 12/17 14/14 18/2 18/3 19/18 28/10 28/18 28/21 29/5 29/6 31/18 32/3 32/6 32/7 39/3 39/10 39/16 39/18 39/19 39/20 50/8 54/16 55/14 55/17 55/18 60/7 67/15 67/16 67/16 70/11 70/13 70/19 71/1 71/2 71/3 71/21 72/9 72/19 73/4 73/9 74/4 76/4 76/14 78/12 78/13 78/14 81/5 84/21 88/1 91/7 91/8 105/17 111/20 112/1 116/12 121/8 121/9 121/14 128/8 washed [1] 28/5 washing [1] 28/18 wasn't [1] 119/12 water [11] 4/8 68/16 104/6 104/9 104/15 104/19 105/8 125/20 126/6 127/1 127/11 watershed [1] 126/21 way [35] 11/20 19/7 19/7 19/7 20/13 20/13 20/16 24/14 25/13 26/19 31/4 40/10 40/15 41/10 41/13 42/10 42/13 43/1 43/2 59/3 63/15 63/20 64/3 64/15 64/19 66/16 67/3 68/13 73/13 75/11 95/1 106/1 122/2 122/4 129/13 we [194] We'd [1] 113/20 we'll [8] 35/5 35/15 36/1 50/5 52/9 52/12 74/15 81/16 we're [49] 11/18 13/2 13/13 13/14 20/14 35/8 45/1 46/1 46/1 46/2 49/17 50/6 55/1 55/2 65/10 67/3 75/6 81/17 83/20 84/2 90/13 90/16 91/1 91/1 91/2 91/12 91/14 91/17 92/3 92/6 92/12 94/20 95/8 95/16 95/17 96/20 99/2 99/3 99/4 99/19 103/2 103/5 103/6 114/20 114/20 117/10 119/3 119/17 119/20 we've [18] 3/6 30/7 60/9 69/8 78/16 78/20 79/12 90/12 90/14 90/15 91/6 91/8 93/2 99/14 99/21 110/17 127/15 127/16 wearing [1] 103/4 web [1] 91/20 website [1] 111/12 week [3] 39/10 90/21 91/18 weekend [1] 122/18 weight [1] 62/5 well [38] 3/3 6/15 11/19 14/1 20/3 21/4 24/17 25/19 26/15 27/1 29/6 35/13 36/1 40/13 45/4 46/14 46/18 48/5 48/11 50/11 59/9 75/16 90/17 91/15 94/1 94/11 95/19 98/14 98/16 105/1 105/7 106/16 111/19 113/16 115/1 125/6 125/8 127/21 went [4] 47/3 47/10 48/15 75/1 were [18] 29/2 70/2 70/2 70/18 71/20 73/12 74/2 74/4 75/7 90/17 90/18 97/16 105/7 108/20 109/1 109/2 125/9 129/8 West [16] 10/1 14/14 15/7 24/21 30/13 31/16 34/15 40/3 43/12 76/11 79/2 98/3 99/11 108/18 117/18 117/21 what [105] 3/10 3/11 4/12 5/2 5/14 6/6 7/9	yard [2] 106/14 107/12 yards [1] 68/7 yeah [24] 13/9 15/6 15/14 16/4 18/17 22/4 30/17 39/13 42/5 52/7 56/16 78/14 85/14 97/8 107/9 112/14 113/16 115/19 116/14 117/13 118/11 118/13 119/21 120/10 year [14] 55/7 58/20 59/13 70/4 85/3 85/6 86/6 90/16 90/18 90/21 110/17 115/13 116/9 127/13 years [26] 3/6 3/7 8/7 12/2 28/5 28/10 29/5 38/9 38/16 47/3 47/20 55/7 55/9 58/10 58/12 69/9 72/21 73/11 85/7 85/8 85/21 88/18 90/13 90/15 112/2 117/7 yeas [1] 39/19 yell [1] 50/10 yes [51] 9/16 19/13 24/20 29/16 30/12 31/15 32/18 34/13 38/5 40/1 40/13 41/17 44/13 47/6 47/7 48/9 49/4 49/19 54/8 56/12 59/19 64/4 64/13 67/7 71/9 72/3 72/9 72/20 73/2 73/15 73/21 76/10 78/8 79/16 80/17 87/9 88/3 89/15 96/8 97/18 97/21 98/2 99/10 101/14 104/4 110/3 110/5 117/11 117/13 117/16 125/12 yesterday [1] 39/12 yet [12] 4/5 12/6 12/10 23/5 25/20 37/10 42/11 56/10 69/20 75/4 89/20 113/18 you [355] you my [1] 78/6 you'd [1] 127/3 you'll [4] 42/12 42/13 88/8 119/9 you're [42] 4/4 6/15 9/17 9/18 10/3 15/2 22/20 27/19 28/13 30/19 33/9 35/1 35/11	

Y

yard [2] 106/14 107/12
yards [1] 68/7
yeah [24] 13/9 15/6 15/14 16/4 18/17 22/4
30/17 39/13 42/5 52/7 56/16 78/14 85/14
97/8 107/9 112/14 113/16 115/19 116/14
117/13 118/11 118/13 119/21 120/10
year [14] 55/7 58/20 59/13 70/4 85/3 85/6
86/6 90/16 90/18 90/21 110/17 115/13
116/9 127/13
years [26] 3/6 3/7 8/7 12/2 28/5 28/10 29/5
38/9 38/16 47/3 47/20 55/7 55/9 58/10
58/12 69/9 72/21 73/11 85/7 85/8 85/21
88/18 90/13 90/15 112/2 117/7
yeas [1] 39/19
yell [1] 50/10
yes [51] 9/16 19/13 24/20 29/16 30/12 31/15
32/18 34/13 38/5 40/1 40/13 41/17 44/13
47/6 47/7 48/9 49/4 49/19 54/8 56/12 59/19
64/4 64/13 67/7 71/9 72/3 72/9 72/20 73/2
73/15 73/21 76/10 78/8 79/16 80/17 87/9
88/3 89/15 96/8 97/18 97/21 98/2 99/10
101/14 104/4 110/3 110/5 117/11 117/13
117/16 125/12
yesterday [1] 39/12
yet [12] 4/5 12/6 12/10 23/5 25/20 37/10
42/11 56/10 69/20 75/4 89/20 113/18
you [355]
you my [1] 78/6
you'd [1] 127/3
you'll [4] 42/12 42/13 88/8 119/9
you're [42] 4/4 6/15 9/17 9/18 10/3 15/2
22/20 27/19 28/13 30/19 33/9 35/1 35/11

Y

you're... [29] 45/7 50/10 57/2 57/19 64/1
65/1 66/16 71/16 75/13 79/5 81/12 85/21
86/3 87/3 102/18 104/6 105/5 107/11 109/8
109/17 110/14 115/15 115/16 116/8 117/8
121/21 126/11 126/16 127/12
you've [12] 15/18 21/4 40/5 52/8 64/19 86/6
86/21 102/5 113/18 115/16 122/14 122/18
YOUNG [9] 2/2 2/3 3/4 3/5 6/11 58/17 60/7
67/10 80/18
your [65] 5/10 5/11 5/12 5/13 6/10 6/11
6/16 9/19 11/3 13/21 14/12 14/21 15/5
16/18 17/3 17/6 19/4 25/13 25/15 26/8
27/17 33/18 34/4 34/7 35/12 37/7 37/13
37/14 37/17 37/19 43/5 43/7 43/12 45/5
45/6 45/17 48/7 48/14 49/8 51/4 53/18
53/18 59/3 62/3 68/1 79/11 81/8 81/13
86/14 89/10 99/15 105/14 106/3 109/4
109/4 119/13 120/6 120/9 120/12 120/13
122/9 124/11 125/17 126/18 127/5

Z

zone [1] 106/20
zoned [7] 13/12 32/6 32/7 47/1 47/5 73/12
83/19
zoning [25] 22/10 31/19 31/20 32/13 36/13
36/20 37/9 37/12 37/15 37/16 58/3 61/14
61/16 61/21 67/16 70/6 71/5 71/7 71/10
72/5 72/19 73/20 82/7 106/19 126/16